

SENATE—March 29, 1982

(Legislative day of Monday, February 22, 1982)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Let us pray.

Lord God of light and life, loving Heavenly Father, "who giveth to all life and breath and all things," we thank Thee for spring. We thank Thee for sunshine bringing light and warmth, for the reminder of resurrection and new life all around us. We thank Thee for fragrant air, for light breezes that caress, for budding trees and bursting flowers, for the joyful, harmonious bird songs, for the awakening of earth from its winter slumber.

Forgive us for ever taking for granted such enormous blessing simply because it is so predictable, so dependable, so familiar. Help us never to allow familiarity with common blessings to breed contempt in us. Help us to be grateful and to see in spring the life which Thou dost promise to those who respond, as does nature, to Thy perfect law. Help those who are lawmakers, of all people, to respect the laws by which Thou dost govern the universe. May we never ignore those laws without which there could be no science, no morality, no justice, nothing predictable or dependable in history. Above all may we honor the law of love which comprehends all law. In the name of Him who is Life and Light and Love. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE GIFT OUTRIGHT

Mr. BAKER. Mr. President, this week's poem, "The Gift Outright," has received much attention and praise since it was authored by Robert Frost. I ask unanimous consent that the

poem be printed in the RECORD, with a special dedication of the last line to a remarkable young woman who celebrated her 26th birthday last Friday.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

THE GIFT OUTRIGHT

The land was ours before we were the land's.

She was our land more than a hundred years

Before we were her people. She was ours
In Massachusetts, in Virginia;

But we were England's, still colonials,
Possessing what we still were unpossessed

by,
Possessed by what we now no more possessed.

Something we were withholding made us weak

Until we found out that it was ourselves
We were withholding from our land of living,

And forthwith found salvation in surrender.
Such as we were we gave ourselves outright
(The deed of gift was many deeds of war)

To the land vaguely realizing westward,
But still unstoried, artless, unenhanced,
Such as she was, such as she would become.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that, following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business to extend not more than 1 hour in length, with Senators permitted to speak therein for not more than 10 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

APPOINTMENT OF MEMBERS TO SELECT COMMITTEE

Mr. BAKER. Mr. President, last week, the Senate adopted a resolution providing for a select committee to inquire into the facts relating to the targeting and investigative techniques utilized in the Abscam operation and undercover law enforcement operations by the Department of Justice. That resolution provides for the nomination of Members by the distinguished minority leader and myself to the Vice President for appointment to that committee. Mr. President, I now nominate as Members to serve on that committee from this side of the aisle the distinguished Senator from Maryland (Mr. MATHIAS), to be chairman; the distinguished Senator from Idaho (Mr. McCURE), to be a member; the

distinguished Senator from Wyoming (Mr. SIMPSON), to be a member; and the distinguished Senator from New Hampshire (Mr. RUDMAN), to be a member.

Mr. President, I yield to the distinguished minority leader.

The PRESIDING OFFICER (Mr. HATCH). The minority leader is recognized.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished majority leader for yielding. There are four Members on this side of the aisle whose names I have presented. They are Senators INOUE, HUDDLESTON, DeCONCINI, and LEAHY.

Mr. BAKER. Mr. President, I hope that, in a moment, the Chair, on behalf of the Vice President, will be in a position to make the appointments on the basis of the nominations submitted.

APPOINTMENT BY THE VICE PRESIDENT

(Later the following occurred:)

The PRESIDING OFFICER. The Chair on behalf of the Vice President appoints Messrs. MATHIAS, SIMPSON, McCURE, RUDMAN, INOUE, LEAHY, DeCONCINI, and HUDDLESTON to the select committee established by Senate Resolution 350, the Select Committee to Study Law Enforcement Undercover Activities of Components of the Department of Justice.

ORDER FOR RECESS TODAY UNTIL 9:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until the hour of 9:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE TODAY

Mr. BAKER. Mr. President, today, it is anticipated that the Senate will begin consideration of the continuing resolution. It is not anticipated that the matter will be finished today. Indeed, I do not expect any work to be done on that measure other than opening statements.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. BAKER. Yes, Mr. President, I yield to the distinguished minority leader.

Mr. ROBERT C. BYRD. Mr. President, I believe it was the understanding on this side of the aisle that no amendments would be offered at the desk.

Mr. BAKER. Mr. President, that is the understanding and I do not contemplate that any business will be considered beyond opening statements or general statements Members may wish to make on the resolution itself. If there are amendments to the resolution, and I persist in the hope that there will not be, if there are any to be offered, it is the intent of the leadership to propose that they be considered on tomorrow rather than today.

Mr. ROBERT C. BYRD. Mr. President, it was the understanding that there would be no amendments on this side of the aisle. It is our understanding that there would be no amendments offered today. I join the majority leader in stating that I hope we shall stand by that understanding.

Mr. BAKER. We shall stand by that understanding. That was my understanding and there will be no amendments considered in the Senate today. Today, however, is 1 of the 3 days we have for consideration of the resolution before the resolution presently in effect expires, so I urge that there be not only the opening statements by the managers of the resolution, but also that Senators who have general statements to make may consider doing that today as well. Amendments will not be offered and will not be debated until tomorrow.

ORDER FOR CONSIDERATION OF S. 1207 TOMORROW

Mr. BAKER. Mr. President, under an order previously entered, during the day tomorrow, the Senate will resume consideration of the Nuclear Regulatory Commission Authorization Act, S. 1207. Three amendments will be considered on that measure. Mr. President, I believe there is an order in place dealing with those amendments, is there not?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Will the Chair please state the provisions of that order?

The PRESIDING OFFICER. There are three amendments in order; one offered by the Senator from Colorado (Mr. HART), on which there shall be 1 hour; one offered by the Senators from New Mexico and Wyoming (Mr. DOMENICI and Mr. SIMPSON), on which there shall be 30 minutes; and one offered by the Senator from Pennsylvania (Mr. HEINZ), on which there shall be 30 minutes.

Mr. BAKER. Mr. President, I previously asked the Senate and the Senate has agreed to convene in the morning at 9:30. I ask unanimous consent that at 10 a.m. on tomorrow, the Senate resume consideration of S. 1207 under

the provisions of the order just referred to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, it appears that under the order previously entered, the debate on the three amendments which are the only amendments in order can be concluded by noon—no later than 12:30.

Mr. President, it also appears desirable to ask the Senate to consider stacking of votes on those amendments until after 2 p.m.

Mr. ROBERT C. BYRD. Mr. President, I think that probably is desirable. I should like to make sure I have full clearance, and I will get back to the majority leader.

Mr. BAKER. Very well. I will not put the request at this time, but may I advise my friend, the minority leader, that what I am trying to design is to finish the debate on NRC before noon, to recess so that Members may participate in their respective party caucuses off the floor between 12 and 2, to resume consideration of NRC at 2 o'clock, solely for the purpose of voting on any amendments that may have been ordered by rollcall, to have passage, and then to proceed, Mr. President, to resume consideration of the continuing resolution.

Mr. ROBERT C. BYRD. Mr. President, I feel that it will probably be desirable on this side, but I should like to touch another base, and then I will be back in touch with the majority leader.

Mr. BAKER. I will withhold making the request then until I hear from the minority leader, but Senators should be aware that that is the general plan for tomorrow. Assuming that that can be cleared on both sides, I will make that request a little later.

POSSIBILITY OF LATE SESSIONS

Mr. BAKER. Mr. President, as I indicated on Thursday last, it is entirely possible that the Senate will be in session late this week in order to complete consideration of the continuing resolution. I do not anticipate that the Senate will be in late tonight, but I do anticipate, I predict, and I urge Senators to take account of the almost certain prospect of a late session on Tuesday night.

It is the hope of the leadership on this side that we can finish the continuing resolution on Tuesday and not wait until Wednesday, the day on which the resolution expires by its terms.

So Senators should be on notice that while Monday night will not be a late evening, Tuesday and Wednesday night almost surely will be late, if that is necessary, to accomplish passage of these measures.

THE EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, there are certain items on the Executive Calendar which are cleared on this side for consideration, and after conferring informally with the minority leader, I understand there may be nominations that he is in a position to clear as well. Might that be the case?

Mr. ROBERT C. BYRD. Mr. President, the minority is ready to proceed with all the nominations on the Executive Calendar.

I ask unanimous consent that if and when the distinguished majority leader proceeds with the nominations, a statement by Mr. NUNN in connection with the confirmation of James C. Sanders, to be Administrator of the Small Business Administration, be inserted in the RECORD at the time that nomination is voted on or approved under the unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I thank the minority leader. He puts me in the somewhat awkward position of having cleared more of the President's nominations than I am prepared to clear on this side of the aisle.

Mr. ROBERT C. BYRD. We are trying to help the President all we can.

Mr. BAKER. I know you are, and I am sure the President is grateful for that and is reassured of those prospects in the future on other issues.

Mr. ROBERT C. BYRD. I would not want to look too far into the future.

Mr. BAKER. Does the minority leader feel that I have overstated the case at this point?

Mr. ROBERT C. BYRD. I would not say that.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate go into executive session for the purpose of considering the following nominations: Calendar Order No. 680 on page 2 of the Executive Calendar, Calendar Order No. 681 on page 2, Calendar Order No. 684 through 686, inclusive, and all of those nominations placed on the Secretary's desk in the Army, Marine Corps, and Navy.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations will be stated.

Mr. BAKER. Mr. President, I ask unanimous consent that the nominations referred to be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Herman W. Nickel, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of South Africa.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

James L. George, of Maryland, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency, vice Charles N. Van Doren, resigned.

MARINE CORPS

The following named colonel of the Marine Corps Reserve for promotion to the grade of brigadier general, pursuant to title 10, United States Code, section 5902 and 5912, subject to qualification therefor as provided by law:

Charles S. Bishop, Jr.

NAVY

The following named rear admirals of the Reserve of the U.S. Navy for permanent promotion to the grade of rear admiral in the line and staff corps, as indicated, pursuant to the provisions of title 10, United States Code, section 5912:

LINE

Lemuel Owings Warfield.
Russell William Gorman.
Joseph Francis Callo, Jr.
Raymond Roger Couture.
James Burnett Reap.
John Rodney Grubb.
LeRoy Vincent Isaacson.
Vincent Joseph Anzillotti, Jr.
Francis Neale Smith.
George Clark Sayer.

MEDICAL CORPS

John Francis Kurtzke.
John Peter Connelly.

SUPPLY CORPS

Thomas Gerald Lilly.
Delbert Harry Beumer.

CHAPLAIN CORPS

Emmett Owen Floyd.

CIVIL ENGINEER CORPS

Thomas Smothers Maddock.

DENTAL CORPS

William Harris Molle.

SMALL BUSINESS ADMINISTRATION

James C. Sanders, of California to be Administrator of the Small Business Administration, vice Michael Cardenas, resigned.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE ARMY, MARINE CORPS, AND NAVY

Army nominations beginning Gene P. Abel, to be colonel, and ending Harold D. Thompson, to be colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 4, 1982.

Army nominations beginning David L. Edwards, to be lieutenant colonel, and ending Stephen A. Spaulding, to be first lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 4, 1982.

Army nominations beginning Jerry W. Adcock, to be lieutenant colonel, and ending Michael T. Baksic, to be captain, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 4, 1982.

Army nominations beginning Jeffery F. Addicott, to be captain, and ending Daniel V. Wright, to be captain, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 17, 1982.

Marine Corps nominations beginning Kenneth W. Montgomery, to be second lieutenant, and ending Stanley S. Steinbach, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 4, 1982.

Marine Corps nominations beginning Emily L. Baker, to be second lieutenant, and ending Derle G. Hagwood, Jr., to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 17, 1982.

Marine Corps nominations beginning Louis P. Abraham, to be second lieutenant, and ending Robert J. Cox, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 17, 1982.

Navy nominations beginning Timothy S. Farwell, to be ensign, and ending Don Sherman, to be commander, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 1, 1982.

Navy nominations beginning Sidney Martin Blair, to be captain, and ending Jacquelyn Sue Wills, to be captain, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 11, 1982.

Navy nominations beginning William Charles Abbruzzese, to be lieutenant, and ending Samuel Sidney Williams, to be lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 11, 1982.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominations were considered and confirmed en bloc.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent in these matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CONFIRMATION OF JAMES SANDERS TO BE ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION

Mr. NUNN. Mr. President, I am pleased to support the nomination of James Sanders to be Administrator of the Small Business Administration. I have reviewed his financial disclosure forms and the background security checks. Both of these appear to be in order. I have had several occasions to discuss his views on the roles and responsibilities of the agency and his intentions for it.

His background and experience in managing a large insurance firm are positive attributes that he brings to the difficult job of Administrator. In addition, his testimony before the Senate Small Business Committee during his confirmation hearings indicates that the time he has served as Associate Administrator for Management Assistance in SBA will serve him well as Administrator, should he be confirmed.

Mr. President, the Small Business Administration is again at a cross-

roads. There are increasing rumors of administration interests in substantially trimming the agency's programmatic functions; budget reductions have been proposed and projected which, if sustained, could seriously undermine the capability of the agency to respond to legitimate needs of the small business community.

As a focal point for many in the small business community, the Senate Small Business Committee has a responsibility to insure that the Administrator of SBA is of the highest caliber. I believe Jim Sanders is such an individual.

CONFIRMATION OF THE NOMINATION OF JAMES C. SANDERS, TO BE ADMINISTRATOR OF THE SBA

Mr. WEICKER. Mr. President, as chairman of the Senate Small Business Committee, I offer my strong support and endorsement of James C. Sanders, whose nomination as Administrator of the Small Business Administration has been confirmed by the Senate.

On March 9, 1982, the full committee held a hearing on Mr. Sanders' nomination. After a full and complete hearing and a careful review of the nominee's financial disclosure statements and the investigative report on his background, the full committee again met on March 25 and unanimously voted to report the nomination to the Senate.

Let me say at the outset that these are hard times for small business. Money is scarce, credit is scarce, and the cost of just about everything is up. The result is that we are now seeing bankruptcies among businesses at their highest level in 40 years.

Now more than ever, small business needs a strong, effective advocate in this administration; someone who can bring the small business viewpoint to the fore of the policymaking process in this country. In my opinion, that advocate can and should be the Administrator of the Small Business Administration.

It is unfortunate that the Small Business Administration has also come on hard times of late. Since late January, with budget cuts looming and the economic situation growing worse by the day, the agency has gone without a permanent Administrator.

The fact is that in the past, the agency—and indeed the small business community which it serves—has simply had a caretaker, when what it needs is a fighter.

The agency is in need of reform. The Small Business Committee over the last year and a half has made oversight of SBA a top priority. While the committee has often been critical of the agency, it has been constructive criticism.

Yes, frustration has been expressed. But it is frustration caused by the realization that the agency's potential

and goals are not being realized. It is frustration caused by the fact that this agency is needed now more than ever—to assist this vital sector of the economy which symbolizes the American experience.

The job Mr. Sanders is being asked to do is not an easy one.

Certainly, the challenges for the new Administrator will be great. But, after meeting with Mr. Sanders and reviewing his qualifications and background, and listening carefully to his testimony at the committee's hearing to consider his nomination, I am confident that he will be able to meet those challenges.

In testimony before the Senate Small Business Committee, Mr. Sanders expressed many of the same concerns about SBA and the needs of the small business community that I have just outlined. As cofounder of his own small insurance agency which later merged with a nationally known insurance brokerage firm of which he became the chief executive officer, Mr. Sanders brings to the agency a wealth of firsthand knowledge about business in general and small business problems in particular.

In our hearing, Mr. Sanders expressed his commitment to maintaining an independent SBA that effectively serves the needs of the small business community. He pledged his energies to insuring that the voice of small business will be heard through his advocacy and leadership in the halls of the administration's policy-makers.

In our hearing, Mr. Sanders also expressed a desire and a willingness to work closely with the Small Business Committee in an effort to jointly address the many problems facing our Nation's small businesses. He has pledged to remain accessible to us, and to assist us wherever he can when questions concerning his agency arise. I welcome this cooperation and regard it as an encouraging sign for the small business community.

As the present Associate Administrator for Management Assistance of the Small Business Administration, Mr. Sanders is already familiar with many of the programs at the agency. This agency background should prove extremely helpful in providing a smooth and rapid transition period with a minimum disruption in agency operations. In addition, Mr. Sanders' private sector management experience along with his recent Government tenure, will be invaluable in understanding the problems and needs of the small business community.

I look forward to working with Mr. Sanders in reshaping the Small Business Administration. I am pleased that the Senate has acted quickly and affirmatively on his nomination.●

LEGISLATIVE BUSINESS

Mr. BAKER. Mr. President, I ask now that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I advise my friend, the distinguished acting minority leader, that I am prepared to yield the remainder of my time, if any, under the standing order.

I am advised as well that the distinguished minority leader may wish to reserve his time under the order until later in the day.

Mr. MELCHER. That is correct, I might say to the distinguished majority leader.

Mr. BAKER. Mr. President, I thank the acting minority leader. I ask unanimous consent that any time I have remaining under the standing order and the time of the minority leader under the standing order may be aggregated and reserved for his use at any time during the course of this calendar day.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for morning business.

Mr. BAKER. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIMITATION ON JURISDICTION OF THE SUPREME COURT

Mr. SPECTER. Mr. President, today I wish to address the current efforts being made to limit the jurisdiction of the Supreme Court of the United States.

On March 2, by a vote of 57 to 37, the Senate passed legislation which limits the jurisdiction of the Supreme Court of the United States to deal with the issue of busing. While I concur that busing has been a failure in the United States, it is my view that the underlying issue of limitation of jurisdiction of the Supreme Court of the United States poses a clear and present danger to constitutional government in this country.

If the jurisdiction of the Supreme Court can be limited on busing, then the jurisdiction of the Court can equally be limited on fundamental first amendment rights, such as free-

dom of speech, freedom of religion, and freedom of the press.

It is my belief that if the American people understand the challenge to constitutional government in the United States, the people of this country will reject any effort to limit the jurisdiction of the courts, no matter how strongly they may feel on any single issue or combination of issues.

On Friday of last week, March 26, 1982, I received a letter, as I believe other members of the Judiciary Committee did, from four former Attorneys General and three former Solicitors General addressing this issue in very cogent terms. I ask unanimous consent that the text of that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed the RECORD, as follows:

Senator ARLEN SPECTER,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR SPECTER: We hold varying views on the Supreme Court's decisions in many areas of constitutional law, but on two matters we are unanimous. The first of these is that the Supreme Court was wholly correct in deciding in *Brown v. Board of Education* that "in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal" 347 U.S. 483, 495. The second view which we all share is that Congress is not empowered by the Constitution selectively to restrict the jurisdiction of the federal courts to prevent them from enforcing *Brown* in full measure.

Because we hold these beliefs in common, we oppose S. 1760 and S. 1647. Both of those bills deprive the inferior federal courts of jurisdiction to issue orders essential to the carrying out of the *Brown* mandate, namely, orders requiring the assignment or transportation of public school students. Not only do they do so prospectively but by causing the reopening and truncating of orders in long-concluded lawsuits they would truly reverse the course on which *Brown* set this Nation. These bills would exercise power which we believe the Congress does not possess.

Sincerely yours,

NICHOLAS DEB KATZENBACH,
Attorney General (1965-66).

RAMSEY CLARK,
Attorney General (1967-69).

ELLIOT L. RICHARDSON,
Attorney General (1973).

BENJAMIN R. CIVILETTI,
Attorney General (1979-81).

J. LEE RANKIN,
Solicitor General (1956-61).

ERWIN N. GRISWOLD,
Solicitor General (1967-73).

WADE MCCREE,
Solicitor General (1977-81).

Mr. SPECTER. Mr. President, earlier this month, I received a letter from the distinguished chancellor of the Philadelphia Bar Association, Robert C. Daniels, enclosing a resolution of the Philadelphia Bar Association, passed by its board of governors on February 25, 1982, declaring its opposition to and condemning any efforts on the part of the U.S. Congress to cur-

tail the jurisdiction of the Supreme Court or lower Federal courts for the purpose of effecting changes in constitutional law.

I ask unanimous consent that the text of that resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE PHILADELPHIA BAR ASSOCIATION

Whereas, there are presently in Congress more than 30 bills which would limit the jurisdiction of the Federal courts or restrict their power to grant relief in certain types of cases; and

Whereas, the passage of such legislation would interfere with the fundamental responsibility of the federal judiciary to interpret and enforce the provisions of the United States Constitution and would effectively circumvent the amendment procedures in the Constitution;

Now therefore, it is hereby resolved as follows:

1. The Philadelphia Bar Association hereby declares its opposition to and condemns any efforts on the part of the United States Congress to curtail the jurisdiction of the Supreme Court or the lower federal courts for the purpose of affecting changes in constitutional law.

2. The Philadelphia Bar Association hereby declares its opposition to and condemns any efforts on the part of the United States Congress, for the purpose of affecting changes in constitutional law, to limit the remedies available to the Supreme Court or the lower federal courts.

3. The Philadelphia Bar Association hereby declares its opposition to and condemns any efforts on the part of the United States Congress to circumvent the constitutional safeguards provided by the amendment procedures set forth in the United States Constitution.

Mr. SPECTER. Mr. President, I make these comments and offer the letter from the former Attorneys General and Solicitors General, together with the resolution from the Philadelphia Bar Association, because of my view that it is important to focus public attention on current efforts to limit the jurisdiction of the Supreme Court of the United States, so that the matter may be debated fully and openly when further legislative initiatives are presented to this body, as I believe they will be in the course of the current session.

QUORUM CALL

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HENRY KISSINGER

Mr. MOYNIHAN. Mr. President, many Americans—indeed, I cannot but

think all Americans—were delighted and surprised to find on the front pages of their papers last Wednesday morning a beaming and resilient and, indeed, thriving Henry Kissinger presenting the Charles Evans Hughes Gold Medal Award to President Reagan at a reception of the National Conference of Christians and Jews the preceding evening.

Many of us have been concerned for Dr. Kissinger's rapid recovery to his incomparable levels of energy and achievement following his recent heart bypass operation. None of us had the least doubt that he would recover, but the speed with which he has done so is overachievement, even for Henry Kissinger. As his friend and one of his Senators, I can only express a very deep personal satisfaction.

Happily, Henry Kissinger's return to good health comes at a time when the second volume of his extraordinary memoirs has appeared. Only this morning, in the Washington Post, the distinguished columnist, Mr. Philip Geyelin, called attention to the passage describing the events of the Yom Kippur war. It occurred of course, in 1973, when the American Presidency was in a state of unprecedented crisis.

It fell to Henry Kissinger to guide the Nation through a moment of intense peril. The prospect of a Soviet invasion of the Middle East was real, and Dr. Kissinger saw that our own forces were put on nuclear alert. He did do all this with no greater formal authority than that of his position as a member of the Cabinet, a position which does not carry with it any power other than that which is exercised on behalf of the President, who was at the time not capable of exercising it.

I have written before and would repeat now that in the history of the American Nation there has not been an act of such courage and selflessness and success. The Nation and the world owes him a debt. Though we will not repay it, we surely can acknowledge it, as we welcome him back to health and await volume three.

Mr. President, I ask unanimous consent that the article from the front page of the New York Times of Wednesday, March 24, 1982, and Mr. Geyelin's article from the Washington Post of March 29, 1982, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 24, 1982]

REAGAN SAYS "FACTS PROVE" HE CARES ABOUT NEEDY

(By Michael Oreskes)

President Reagan, accepting an award for humanitarianism that some protesters said he did not deserve, declared in a speech in New York City last night that "the facts prove" that he really does care about the needy.

"Today I'm accused by some of trying to destroy government's commitment to compassion and to the needy," Mr. Reagan said. "Does this bother me? Yes. Like F.D.R., may I say I'm not trying to destroy what is best in our system of humane, free government—I'm doing everything I can to save it: to slow down the destructive rate of growth in taxes and spending; to prune nonessential programs so that enough resources will be left to meet the requirements of the truly needy."

The President delivered the defense of his cuts in social programs in an address at a \$250-a-plate fund-raising dinner of the National Conference of Christians and Jews, which gave Mr. Reagan its annual Charles Evans Hughes Gold Medal for "courageous leadership in government, civic and humanitarian affairs." The dinner was at the New York Hilton Hotel.

It was the latest in a series of appearances around the country in which the President, according to his aides, has sought to counteract the image that he lacks compassion for those who may be hurt by budget cutbacks.

The President also used the appearance to fulfill a commitment he made last November to leaders of major American Jewish organizations that he would speak out against anti-Semitism, which the Jewish leaders warned had tainted the debate over sale of AWACS surveillance planes to Saudi Arabia.

"The obscenity of anti-Semitism and racism must have no part in the national dialogue," Mr. Reagan declared last night.

He said that the United States commitment to Israel "remains unshakable."

Howard Squadron, president of the American Jewish Congress and leader of last November's delegation to the White House, said he had recently reminded the White House of the President's promise that he would speak out against anti-Semitism.

"I'm pleased he's making the statement," Mr. Squadron said of last night's speech. "I wish it had been sooner."

In the speech, which seemed designed almost point by point to answer critics head on, Mr. Reagan also defended his proposed military buildup, saying: "Though not small, the cost of our program represents a historically reasonable share of our resources and is far less than the potential disaster a weakened America could face at the hands of a ruthless, powerful foe."

DISSENSION OVER AWARD

The choice of Mr. Reagan as the 30th recipient of the Hughes award stirred dissension both within the National Conference, and among many liberal and radical groups, which planned to join forces to picket outside the Hilton and staged other protests during the day.

Several senior officials of the conference disassociated themselves from the award. The Pittsburgh chapter of the conference sent a letter calling the honor to the President "an unfortunate gesture."

Donald W. McEvoy, the conference's senior vice president, was a featured speaker at an "alternative awards dinner" mocking the black-tie event at the Hilton. He expressed "sorrow and disappointment" over the award to Mr. Reagan.

Guests at the alternative dinner, held at the Lincoln Center campus of Fordham University, were treated to a menu of cheese and ketchup to draw attention to the surplus cheese the Administration has distributed to the poor and the suggestion—later

withdrawn—that ketchup was an appropriate vegetable for school lunches.

Eleanor Guggenheimer, a former New York City Consumer Affairs Commissioner, and Rabbi Arnold J. Wolf of KAM-Isaiah Israel Temple in Chicago, both returned brotherhood awards they had received from the conference.

"If President Reagan is a humanitarian," said Rabbi Wolf, "I'm not."

Harry A. Robinson, vice president of the conference, said the award was "nonpolitical" and that the process of selection had begun nine months ago before some of the current outcry against Mr. Reagan's policies.

Larry Speakes, deputy White House press secretary, said Mr. Reagan would have no comment on the controversy over the award. "They honored him with the award and he's honored to accept it," Mr. Speakes said.

The President did depart from his prepared text to acknowledge the demonstrators outside.

"Just as those outside this hall spoke with such passionate convictions earlier this evening—yes, there will at times be disagreement over the path that we should take," he said. "But can't such a dialogue be carried out with decency and understanding without a tone of hatred?"

In his address, President Reagan cited "facts" that he said demonstrated his Administration's concern for the needy. Most of these were statistics about the Federal budget, such as: that 28 percent of Federal spending in the 1983 budget would go to the elderly; that the Federal Government subsidized 95 million meals a day, 14 percent of all the meals served in the United States, and that the Federal Government would provide medical care for 20 percent of the population, including 99 percent of those over 65.

"The list goes on and on," the President said. "I simply want to point out that we do care and the facts prove it."

The award is named for the late Chief Justice of the United States Supreme Court, who helped found the National Conference of Christians and Jews in 1929 to combat bigotry, particularly anti-Roman Catholic feelings stirred during Al Smith's 1928 Presidential campaign.

President Reagan landed at Newark International Airport aboard Air Force One with Senator Alfonse M. D'Amato and Representatives S. William Green of Manhattan, Norman Lent of Long Island and Guy Molinari of Staten Island.

Deputy Police Commissioner Alice McGillion put the crowd of protesters outside the hotel on the Avenue of the Americas, between 54th and 55th Streets, at "more than 10,000." By the time the President started to speak, the demonstrators, who seemed in a good-natured mood, dispersed.

[From the New York Times, Mar. 24, 1982]

EXCERPTS FROM PRESIDENT'S ADDRESS

(Following are excerpts from President Reagan's speech to the National Conference of Christians and Jews)

It is a deep personal honor to be the fourth President and 30th American to receive the Charles Evans Hughes Gold Medal of the National Conference of Christians and Jews.

The purpose of the Hughes Medal is to provide recognition for "courageous leadership in governmental, civic and human affairs." One can only accept it with a heartfelt sense of humility. And I do so in that

spirit. One thing is certain, for more than half a century now, the conference itself has lived up to that ideal, striving with courage, dedication and humanity to promote the ideals of brotherhood and tolerance our nation was founded upon.

Hatred, envy and bigotry are as old as the human race itself, as too many tragic passages in the history of the world bear witness. What is new and daring and encouraging about the American experiment is that, from the beginning, men and women strove mightily to undo these evils and to overcome the prejudice and injustice of the old world in the virgin soil of the new.

The way has never been easy, and even our best efforts have left us far short of Utopia. But generation by generation, year by year, we have come a long way down the road to a just society.

It took a bloody, tragic, civil war to end the abomination of slavery. But it was undone, and the descendants of slave owners and slaves alike today enjoy the same standing under law as free citizens of a free republic.

The battle against discrimination still goes on and much remains to be done, but in a single generation, an entire nation re-committed itself to the cause of equal rights and used the full force of the law to ban for once and for all racial bias in public education, in hiring and in the voting booth.

Nowhere does history offer a parallel to this vast undertaking.

The struggle goes on. To be alive and to be human is to struggle for what is right and against what is not. Our nation today is engaged in a serious and, at times, even acrimonious, debate over what policies will best serve the interests of America and a troubled world.

Today I'm accused by some of trying to destroy government's commitment to compassion and to the needy. Does this bother me? Yes. Like F.D.R., may I say I'm not trying to destroy what is best in our system of humane, free government—I'm doing everything I can to save it: to slow down the destructive rate of growth in taxes and spending; to prune nonessential programs so that enough resources will be left to meet the requirements of the truly needy.

But there is more to brotherhood than government-inspired and administered charity. In recent years too many of us have tended to forget that government can't properly substitute for the helping hand of neighbor to neighbor. And in trying to do so government has to a great extent brought on the economic distress that mires us down in recession.

Out of this economic distress, however, can come opportunity—the opportunity to remember our heritage of brotherhood, our responsibility to care for each other not through impersonal government programs alone but through the giving of ourselves with love and compassion.

For this reason I have asked William Verity, head of Armco, to head up a nationwide effort to recall to all of us our capacity for great and unselfish deeds.

In the field of foreign policy, right now there are differences of opinion about how best to restore America's power and status in the world, and how best to meet the threat of totalitarian aggression. And there is disagreement over how best to deal with volatile, challenging problems in Latin America and the Middle East.

But while we may disagree over tactics in all these areas, we stand united as Americans in our underlying commitment to basic

principles—economic stability and growth at home, peace, freedom and a better life for peoples everywhere.

Restoring both our strength and our credibility is a major objective of this administration.

DEFENSE COST IS REASONABLE

I am keenly aware of the costs of our defense program and will in the weeks, months, and years ahead seek true savings and efficiencies. But we must refute the misguided belief that our defense program can be arbitrarily reduced and still guarantee our national security.

The Soviet Union has built up a military machine unequaled in all man's history and that arms buildup gives every indication of continuing. When I took office the Soviet quest for military supremacy, combined with our own unwillingness to maintain American defenses, had produced a very dangerous momentum in their favor.

Though not small, the cost of our program represents a historically reasonable share of our resources that must be devoted to this, and is far less than the potential disaster a weakened America could face at the hands of a ruthless, powerful foe.

The question before us is whether we have the will to make the relatively small sacrifices necessary to preserve our freedom today and our children's freedom tomorrow and for generations to come.

[From the Washington Post, Mar. 29, 1982]

WAS NIXON IN COMMAND?

(By Philip Geyelin)

Not even the Pentagon's most inventive war-game players could think it up: war has been raging for three weeks in a vital area between a close American ally and a Soviet client; Moscow and Washington have brokered a cease-fire, but it is breaking down. The Soviets deliver a rough ultimatum: either both sides intervene with peacekeeping forces, or they will move in on their own.

The National Security Council is rushed to the White House "situation room" to plot a quick counter-strategy. But the NSC's statutory chairman, the president is not in the chair. He is incapacitated upstairs in the living quarters; a "paralyzing" domestic crisis has left him "too distraught to participate." The 25th Amendment makes provision for transfer of authority to the vice president when the president is unable to function—but there is no vice president.

Besides, only the secretary of state and the White House chief of staff are aware of the president's condition. A majority of the "principal officers" of the executive branch will have to make the decision.

Not possible? But of course it did happen—on the night of Oct. 24, 1973. By now you may have recognized the occasion, the so-called Yom Kippur War between Israel and Egypt (plus Syria), and the leading figures: Richard Nixon as president, Henry Kissinger as secretary of state; Alexander Haig as chief of staff. The "missing" vice president was Gerald Ford, designated by Nixon but not yet confirmed by Congress to replace Spiro T. Agnew.

What you may not have recognized, in this version of the famous night when the United States went on nuclear "alert," is the characterization of the role of the president (not, that is, if you remember the official line at the time). Yet that is pretty much the way it comes across in a revealing

account in the second volume of Henry Kissinger's memoirs, "Years of Upheaval."

At a time when government and the media are once again in a slanging match over who's telling the truth—about El Salvador or the economy—the Kissinger version of the October War is timely reminder that almost never is either side blameless in these matters. The argument is essentially unwinable. And anything as absolute as truth is unattainable, even with the passage of time.

Kissinger's 162-page account adds enormously, and meticulously, to the record of one of the most controversial and crisscrossed three weeks in American political and diplomatic history. In the period between Oct. 6 (when the war broke out) and Oct. 28 (when the Egyptians and Israelis met to negotiate a disengagement of forces), Agnew resigned in disgrace and Nixon's Watergate fate was sealed by the Saturday Night Massacre and an appeals court ruling that he would have to surrender the Oval Office tapes.

But such is Kissinger's artful ambivalence that it is impossible to determine from one episode to another whether he thinks Nixon, under terrible pressure, was unfit for duty or was in command.

One day, Oct. 24, captures the perils as well as emotions, frustrations, suspicions and generally rancid atmosphere. The cease-fire had collapsed. The Egyptians were calling for intervention by American and Soviet troops. Kissinger was meeting with Dobrynin when Nixon, "as agitated and emotional as I had ever heard him," phoned. His enemies, Nixon told Kissinger, "are doing it because of their desire to kill the president. And they may succeed. I may physically die."

Nixon went on: "What they care about is destruction. . . . The real tragedy is if I move our, everything we have done will crumble. . . . They just don't realize they are throwing everything out the window. I don't know what in the name of God. . . ."

This was enough for Kissinger to decide to take Haig's advice—when three hours later the Soviets threatened to intervene unilaterally—and not "wake up the president," who had apparently "retired for the night." There is no evidence that Nixon talked with anybody (other than Haig) while the decision was being made in the early hours of the following morning to put American forces on alert and put the United States at risk of nuclear war.

That the crisis was real, Kissinger leaves little doubt—though suspicions ran high at the time. That Nixon sought repeatedly to exploit it to demonstrate his "indispensability" (as impeachment loomed) Kissinger amply documents. The Nixon was repeatedly "out touch," "obsessed," "preoccupied," "on the verge" (as Haig cryptically put it), "in the paralysis of an approaching nightmare"—all this Kissinger makes plain. On that score, his account gives the lie to White House accounts at the time.

But as to a clear judgment, Kissinger speaks ambiguously of a Nixon overwhelmed by this "predecessors," of Watergate as "extralegal" activities, of a "nation consuming its authority." The insights and information are spellbinding. But in a matter of historic interest, we are left not all that much closer to the "truth" than we were at the time.

FRANKLIN DEFEATS JACKSON FOR TITLE

Mr. MOYNIHAN. Mr. President, it was with a great deal of pride and a touch of sadness that I read of Benjamin Franklin High School's victory in the New York City Public Schools Athletic League basketball championship game last week.

As a Franklin graduate (class of 1943), I was heartened to see that my East Harlem alma mater still excels in matters athletic. Benjamin Franklin High School will close its doors forever this June. It shall be sorely missed.

These young men have certainly given a glorious farewell gift to this marvelous school, and I should like to commend each of them, along with Coach Stanley Vinner and Principal Albert Vazquez, for this splendid achievement. Mr. President, I ask unanimous consent that an article from the March 14 New York Times describing Benjamin Franklin's victory be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 14, 1982]

FRANKLIN DEFEATS JACKSON FOR TITLE

(By Al Harvin)

Walter Berry scored a game-high 21 points to lead Benjamin Franklin High School to a 52-48 victory over Andrew Jackson yesterday and its first Public Schools Athletic League basketball championship since 1946.

The title will also be the last one for Franklin, the East Harlem school that is closing in June.

The victory at St. John's University in Queens made Franklin's won-lost record 25-2, kept its slate clean against New York City schools and advanced it to the New York State championship at Glens Falls in two weeks.

Kenny Hutchinson scored 15 points for Franklin, but it was Andre Britton and Eric Singleton who sank one of two free throws apiece with 9 seconds and 4 seconds left, respectively, that finally sealed the victory.

Greg (Boo) Harvey, one of the two freshman guards, led Jackson with 14 points. John Hughley, the senior center, and Ron Edwards, the other freshman guard, had 12 apiece for the Hickories.

The defeat dropped Jackson's record to 20-5. Jackson, which has not won a city championship since 1943-44, was runner-up to Alexander Hamilton last season.

In the boys' B division final, Norman Thomas of Manhattan won for the second straight year, and the third time in the last four years, knocking off Murry Bergtraum, 53-35.

Fred Burgess, 6-foot-5-inch senior center scored a team high of 15 points for Thomas, 24-4.

The high-scorer in the game, however, was Clarence Gordon with 16 points for Murry Bergtraum, which interrupted Thomas's reign as P.S.A.L. B champion two years ago and finished with a 17-6 record.

Phyllis Wright, a reserve, left the bench with 15 seconds to play and scored her only 3 points in the final two seconds to lift undefeated James Madison, 26-0, to a 66-63 victory over John F. Kennedy, the defending champion in the girls final.

Miss Wright made a layup, was fouled by Rhonda Windham and calmly completed the 3-point play to win it.

MEMBERSHIP IN THE U.N. GENERAL ASSEMBLY

ADDITIONAL COSPONSORS, SENATE CONCURRENT RESOLUTION 68

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the following Senators be listed as cosponsors of Senate Concurrent Resolution 68, regarding membership in the United Nations General Assembly: Mr. JACKSON, Mr. RIEGLE, Mr. KENNEDY, Mrs. HAWKINS, Mr. WEICKER, Mr. QUAYLE, Mr. SPECTER, Mr. TSONGAS, Mr. MITCHELL, Mr. SASSER, Mr. PACKWOOD, Mr. NICKLES, Mr. DANFORTH, and Mr. MELCHER.

The PRESIDING OFFICER (Mr. WARNER). Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I would take this opportunity to note that there are now 54 cosponsors of Senate Concurrent Resolution 68 which asks the Secretary of State to put the members of the United Nations on notice, that should Israel be denied its right to participate, the United States will withdraw from any further activity or participation in the United Nations General Assembly, or any U.N. body which expels or suspends Israel, and will suspend payments of our assessed contributions to the U.N. It was introduced following adoption by the General Assembly on February 5 of a resolution declaring Israel "not to be a peace-loving state." The choice of words is significant, for article 4 of the U.N. Charter states that membership in the U.N. is open to all "peace-loving states." The resolution, known in the language of the international bureaucracy as resolution ES-9/1, thus called formally into question Israel's right to remain a member of the United Nations.

Mr. President, there is a precedent for the American response Senate Concurrent Resolution 68 urges the administration to embrace.

By 1975, a pattern had emerged in the International Labor Organization which, in effect, excluded Israel from its activities, from its regional groupings, and such like. There was also a high degree of politicized resolutions having to do with matters in no sense germane to the International Labor Organization's charter.

This was important in many respects, for the ILO is a place of special concern to us. The United States joined only one international organization associated with the League of Nations, and that was the ILO. When Franklin D. Roosevelt was President, in 1934, the charter for the ILO was drafted in Paris by a committee headed by Samuel Gompers, of the American Federation of Labor.

Ever since we have kept the closest of ties, by business and labor and our Government, to the ILO. We were thus dismayed with what had become of the ILO by 1975, and we felt that we had to do something about it. It was not because we did not much care about the ILO, but, rather, precisely because we very much cared. Its charter was our charter, and those were matters of deepest concern to the United States.

It happened that in 1975 I was our Ambassador to the United Nations. I proposed to Secretary Kissinger, who fully agreed, that there was no other way to bring about a change than to exercise our rights under the charter; we gave notice that we were leaving the ILO.

We gave that notice. A letter was sent saying that if things were not changed we would, in fact, leave within 2 years.

Two years came and went and the ILO had not changed, and we left. We simply left the ILO, an event no one believed was possible, that no one thought we ever would do or could do.

A budgetary crisis immediately followed. The very fact of the American withdrawal made many nations realize that they were not just losing the participation of the United States in the proceedings of the ILO, but they were losing the role that the ILO does play in the legitimate concerns of working people around the world, while the organization was taken over by a small group of countries and politicized for narrow purposes that had no real bearing on the ILO charter.

As this double loss was realized by those nations that continued to be members, they judged they had indeed been proceeding in a very wrong headed and unproductive, indeed counterproductive, manner. And they changed. They resolved to do exactly what we had asked them to do. But nothing short of our leaving could have persuaded them we were seriously opposed to what they had been doing.

When these changes were made, when the basic question of adhering to the charter of the ILO happened, the United States returned, in 1980.

I should say, about Senate Concurrent Resolution 68, that its 54 cosponsors are not hostile to the U.N. as originally and properly constituted. We have no intention of leaving the United Nations, which is to say the Security Council. We would never do that. Our resolution does not even suggest that. But suspending our activity in the General Assembly until the General Assembly learns to abide by the Charter of the United Nations is something we can do, and should do, if the present efforts to expel a democratic nation are successful. And unless we make absolutely clear what

will be the consequences of Israel's expulsion, it is very likely to happen.

We care about the United Nations which can accomplish worthwhile things in the world. We care about the conduct of the General Assembly. And it is in that spirit that a majority of the Members of the Senate have cosponsored this resolution. I very much hope that the leadership will find it possible to bring the matter to the floor in very short order. There ought to be nothing impeding that.

I would point out that this is a bipartisan resolution. It was originally introduced by myself and Mr. ROBERT C. BYRD in the company of the distinguished occupant of the chair, the Senator from Virginia (Mr. WARNER). In the House of Representatives, it has been introduced by another distinguished bipartisan group led by Representative JACK KEMP, of New York, and Representative JOHN BINGHAM, of New York, who was once our Ambassador to the U.N. Economic and Social Council (ECOSOC).

AMERICAN POLICY TOWARD THE UNITED NATIONS

Mr. MOYNIHAN. Mr. President, it happened that I was U.S. permanent representative to the United Nations in 1975, when American dismay with the United Nations was most acute. During the General Assembly session that autumn, America watched in uncomprehending horror as the murderous dictator, Idi Amin, then at the height of his brutal reign in Uganda, was welcomed to New York by the international diplomatic community as a distinguished head of state. In November, the General Assembly adopted a cruelly absurd resolution declaring Zionism to be "a form of racism and racial discrimination."

While a great many persons in the upper reaches of the U.S. Government counseled a studied indifference to these and other disquieting developments at the United Nations, a number of individuals in private life realize that something seriously wrong was happening there and that to ignore this fact was to forsake American interests. A number of distinguished Americans came together then, under private auspices, to study American policy toward the world body.

Under the leadership of Mr. Morris B. Abram, a highly respected lawyer long prominent in the civil rights struggle in this country, more recently distinguished for his service as U.S. Representative to the U.N. Commission on Human Rights, the Ad Hoc Group on U.S. Policy Toward the United Nations was organized. Shortly thereafter, in 1976, the group's first report was issued. Its numerous recommendations were offered in the hope that they might help the United Na-

tions to "become again an environment for useful dialog and constructive action."

The report, however, was not treated very seriously at the Department of State. It is not entirely coincidental that the years since 1976 have seen American influence at the United Nations decline to unprecedented depths.

A few days ago, the Ad Hoc Group on U.S. Policy Toward the United Nations issued another report. It is entitled "The U.S. and the U.N.—A Policy for Today." One hopes it will be received with greater attention than was its predecessor by the Department of State. It is a remarkably insightful document, suggesting broad concepts that should guide our thinking about the utility and the purpose of the United Nations, and offering specific ideas about particular initiatives.

As the report so correctly states at the outset:

What is needed is careful, realistic analysis of where the U.S. can cooperate most constructively and where it must be prepared to act unilaterally or in concert with like-minded nations outside the U.N.

The Ad Hoc Group's report, whose authors include three former Secretaries of State and distinguished Americans such as Leonard Sussman, executive director of Freedom House, provides this much needed analysis.

Mr. Abram and his colleagues discuss the role the United Nations can play in solving the major problems of our era—restricting the spread of nuclear weapons, halting the ever more dangerous strategic arms race, mediating conflict among the nations of the Third World. At the same time, the group warns, we should not expect the United Nations to solve all the problems the world faces. As the report puts it:

Reassessment of policy demands a realistic view of the U.N.: it is not a supergovernment; it cannot make nations behave better than they want to.

The Ad Hoc Group on U.S. policy toward the United Nations also endorses several congressional initiatives with which I have been pleased to be associated during the 97th Congress.

One is Senate Resolution 44, relating to international sanctions against countries which participate in the taking of diplomatic hostages, which I introduced on January 29, 1981. That resolution, Senators will recall, urges the President to convene an international conference that would negotiate automatic diplomatic sanctions against any nation which participated in or condoned the seizing of diplomatic hostages—such as was done in Tehran between November 1979 and January 1981.

Another congressional initiative the Ad Hoc Group endorsed addresses the continuing effort in the United Nations Educational Scientific and Cul-

tural Organization to inhibit the free flow of information and ideas through the device of a "New World Information Order." Last June, the Senate adopted, by a vote of 99 to 0, an amendment I had offered to the State Department authorization bill which called for a reduction in American funding to UNESCO should any part of the order be implemented. The report issued last week by the Ad Hoc Group on U.S. policy toward the United Nations commends "this congressional stand . . . which emphasized that press freedom is a basic human right."

Under the able direction of the current American Ambassador to the United Nations, Mrs. Jeane Kirkpatrick, the United States can yet reassert its authority and regain its influence at the United Nations. And the Congress can continue to play a constructive role in this process, through the timely adoption of amendments and resolutions that effectively state the views and intentions of the American Legislature.

For the information of Senators and staffs, I ask unanimous consent that the full text of "The United States and the United Nations . . . A Policy for Today" be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE UNITED STATES AND THE UNITED NATIONS—A POLICY FOR TODAY
FOREWORD

This report was prepared by an Ad Hoc Group on United States Policy Toward the United Nations, which is made up of scholars concerned with international affairs, former U.S. representatives to the UN, and leaders of nongovernmental organizations. The Group met for the first time in 1975 in response to several disquieting developments which had deepened the American people's disenchantment with the UN. Its report, issued in 1976, attributed this situation to the "politicized behavior which had undermined the institutional capacity of the [UN] system to deal in an impartial and effective manner with questions of world concern," and posed the question of "whether it is possible to turn around political behavior so that the institution will become again an environment for useful dialogue and constructive action." We saw the appointment of a new U.S. Ambassador to the UN as "an opportunity to define the U.S. relationship to the world organization," and we offered recommendations for a national policy toward it.

Five years later, the dangers to world stability and U.S. security are more acutely perceived. Our apprehensions of 1976 concerning the UN, somewhat allayed about some issues, persist. This report, like its predecessor, is offered in the hope that it will stimulate reexamination and definition of U.S. policy in this important area. Once again, recognizing that our nation is part of an inevitably interdependent world society, we begin with the premise that—

" . . . a central task of U.S. foreign policy in the crucial last quarter of the twentieth century is the building of effective world in-

stitutions to help solve critical world problems of vital importance to the American people and to all peoples and nations. These problems include the danger of the spread of local conflicts, the proliferation of nuclear and conventional weapons, the increasing financial burden of the arms race, the population explosion, the deterioration of the environment, food and energy shortages, underdevelopment, unemployment and mass poverty."

Our troubled interdependent world needs the UN, and the principles enunciated in its Charter. Our purpose here is to identify the tendencies threatening them, and to suggest ways to reverse these trends. We want a UN willing and able to function consistently with the Charter purposes: to maintain international peace and security, to develop friendly relations among nations, to foster international cooperation in solving economic and social problems, to preserve and extend human rights, to serve as a center for harmonizing the actions of nations toward these ends.

The conclusions and recommendations in this report have been endorsed generally by the individuals listed below, who associate themselves, in the main, with the analysis as well, though not necessarily with every specific point or wording.

Morris B. Abram	Leo Nevas
Abraham Bargman	Matthew Nimetz
Thomas E. Bird	Nathan A. Pelcovits
Thomas Buergethal	Ogden Reid
John Carey	Howard T. Rosen
Benjamin B. Ferencz	Dean Rusk
Seymour M. Finger	Bayard Rustin
Richard N. Gardner	Oscar Schachter
Rita E. Hauser	Frederick Seitz
Louis Henkin	Jerome J. Shustack
Philip E. Hoffman	Louis B. Sohn
Sidney Liskofsky	David Squire
Henry Cabot Lodge	William J. Stibravy
Richard Maass	Leonard Sussman
Edmund S. Muskie	Cyrus Vance

THE UN AFTER 35 YEARS: REALISTIC EXPECTATIONS

In 1961 the newly elected President John F. Kennedy, speaking before the General Assembly, proposed a UN Development Decade. This proposal signaled the beginning of a major increase in the operational activities of the world organization and symbolized the position and attitude of the United States, then sure of its economic and military power. The American people were sympathetic toward the goals of Third World countries, and we heartily supported the UN.

In 1981 the picture is starkly different. Militarily, the U.S. is seriously challenged by the Soviet Union, whose armed strength and reach have been extended by a seven-ocean navy, conventional superiority in the European theater, an increasingly powerful nuclear arsenal, a capacity to project its power into volatile Third World areas, the use of Cuban armed forces and other proxies, and so on. The U.S. economy is still far stronger and more stable than any other, but it is nonetheless plagued by persistent inflation, stagnating productivity, huge budget deficits.

In 1961, the then-emerging Third World countries, like India, seemed to lean in the direction of democracy and the West. Today, much of the Third World appears to lean towards authoritarianism and to show an ideological tilt away from the West.

Over the years, Americans have been disappointed by the unwillingness of many UN members to use or permit use of the Securi-

ty Council to restrain and help contain local conflicts before they get out of hand. They object to the double-standard applied to some political crises and human rights problems. They hold that political crises have been distorted and the whole fabric of international cooperation weakened by the injection of biased—often irrelevant—politics into the General Assembly and into a number of specialized agencies and functional conferences. They see how rapidly expenditures throughout the UN system have grown for which American taxpayers provide the largest share. While they know that the decline of the dollar and inflation account for most of this increase, they feel that UN members and the secretariat are not trying hard enough to spend resources wisely.

At the same time that American power in the world has declined relatively—although it remains formidable—world issues have grown more complex, and global institutions have not found responses to them. This new situation requires that the U.S. reassess its policy toward the UN as part of its overall foreign-policy goals. Hard choices need to be made about which international organizations and programs can best advance these purposes. Certainly our overriding concern must be with national security, but security must be conceived in the context of the American people's national ideals and our traditional commitments to peace and global survival measures, to economic and social improvement, and to human rights for all people.

Reassessment of policy demands a realistic view of the UN: It is not a supergovernment; it cannot make nations behave better than they want to; it cannot compel member states to respect their Charter commitment to renounce the use of force against the sovereignty and territorial integrity of neighbors. And yet, the UN has been a useful instrument for containing, then policing, several local conflicts in Asia, Africa and the Middle East, which had threatened to bring the Soviet Union and the U.S. into dangerous confrontation. Undoubtedly such situations will arise again, so it is in the interest of all nations to join in engaging the UN, where feasible, in coping with them. (It is noted, however, that these UN interventions are not always without cost. Aside from the financial implications, UN peace or truce forces may "freeze" unsatisfactory conditions while creating a tolerable, but unstable, status quo.)

At the same time, in view of the dangerous international environment and the UN's inability to prevent the use of force, especially when superpower interests are involved, the U.S. must rely primarily on its own strength and that of its allies for defense. Collective and regional self-defense (as, for example, through NATO and the Rio Pact) is, of course, legitimate under the UN Charter.

Another feature of the situation at the UN is the Third World countries' more-than-two-thirds majority in the General Assembly and specialized agencies and in the functional conferences sponsored by them, which they have frequently used to dominate the agenda and impose grossly biased resolutions. Some Assembly resolutions, passed with the support of the Third World, have been damaging, even sinister. For example, the equation of Zionism with racism has provided an ostensibly respectable basis for efforts to delegitimize the State of Israel—and in the case of some governments, an excuse for thinly-veiled anti-Sem-

itism. There have been resolutions supporting a restrictive "new world information order," others giving moral and political encouragement—and legitimacy—to the use of violent means by national liberation movements, selectively defined as such.

On the other hand, Third World countries have joined with the West to uphold some of the basic principles on which the UN is constructed. For example, over strong opposition from the Soviet Union and its satellites, the Third World provided an overwhelming majority for such sound General Assembly resolutions as condemning the invasion of Afghanistan and calling for withdrawal of Soviet troops. It was with the help of Third World states that Cuba's efforts in 1980 to win a seat on the Security Council were checkmated, that Soviet attempts to win acceptance of the Cambodian regime installed by the Vietnamese invaders were rejected, and that Iran was asked by the international community to release the American hostages. Some Assembly resolutions have launched major constructive enterprises, such as the UN Development Program, the Intergovernmental Maritime Consultative Organization, the UN Environment Program and UNICEF. Most General Assembly resolutions are adopted without vote, by consensus or unanimously, reflecting general agreement on many subjects of common concern to all groups of nations. Although these and many other General Assembly resolutions have been constructive, unfortunately others have assaulted some of the very principles on which the UN is based.

Assembly votes are obviously not an accurate measure of real national power or influence. Furthermore, in some instances, they obfuscate rather than reveal a country's real policies. Except on budget items and elections, Assembly resolutions are nonbinding, so that powers like the U.S., its Western European allies and Japan can ignore them—and do so often on economic issues. And although Security Council decisions are binding, the U.S. and other permanent members can use their veto to block proposed actions. In the absence of workable machinery for compulsory settlement of disputes, the UN system can, at best, provide forums and mechanisms for negotiated consensus-building and cooperation. In sum, when the members cooperate, it works well, but when they are in conflict, it does not.

International cooperation toward international peace and security, economic betterment, global survival and extension of human rights is clearly in the U.S. interest. If we demonstrate consistently that we are willing to cooperate without dominating provided that other nations do their share, we can go far toward inhibiting the dangerous partisanship that has aggravated so many genuinely complex disputes. What is needed is careful, realistic analysis of where the U.S. can cooperate most constructively, and where it must be prepared to act unilaterally or in concert with like-minded nations outside the UN.

UN activities and programs are so numerous, and so vast in scope and reach, that this report can deal only with the most important, and merely skim the surface of the questions they raise. We did not set out to produce a comprehensive survey, but only to highlight major issues and concerns and sensitize U.S. policymakers and other readers to them.

This report is loosely divided into two main parts: The first consists of the Ad Hoc Group's observations on major substantive

areas of UN concern and activity: international peace and security, arms control and disarmament, the Israel-Arab dispute, Namibia and South Africa, the North-South "dialogue," global issues, human rights and international terrorism. The second part comments on two disquieting tendencies in the UN system: "politicization" and the "tyranny of the majority." The report also examines the relationship between multilateralism and bilateralism in U.S. foreign policy and practice. And a final section consists of conclusions and recommendations.

1. International peace and security

The 1980s will be a dangerous decade. A direct Soviet military attack on Western Europe is unlikely. Greater threats to American security appear to lie in instability, which the Soviets can exploit, in the Persian Gulf and other parts of the Third World. The Soviet invasion of Afghanistan and its armed intervention, in concert with its Cuban and East German allies, in South Yemen, Angola and Ethiopia (the latter two by helping the "governments" in a civil war) testify to the lengthened reach of its coercive diplomacy and its growing power to exploit opportunities in the Third World to the detriment of the West.

There is no simple way to counter these threats. Of course, America's strength, its resolve and dependability, are essential, but our unilateral intervention in every unstable situation would be unwise. Concerted action with other nations is desirable, but difficult to achieve with Third World countries because their interests and outlook often do not coincide with ours. Where we can and should unite with both allies and willing Third World countries, is in a renewed dedication to the prohibition of Article 2(4) of the UN Charter against "the threat or use of force against the territorial integrity or political independence of any state. . . ." That states violate this provision is serious enough; it is more serious that the Security Council has repeatedly failed to act against, condemn or even consider many such violations, let alone deal with their underlying causes. The Iraqi invasion of Iran, the Somali invasion of Ethiopia, Libya's foray into Chad and Uganda's attack on Tanzania are only the most recent examples of this failure. If the Security Council's condemnation of Israel's raid that eliminated Iraq's Osirak reactor was understandable, a selective standard has prevented the UN's dealing with the tensions rooted in the deep-seated causes of the raid, namely, Iraq's continued state of war with Israel and the nuclear insecurity of the Middle East region.

We strongly urge that the U.S. as a general rule bring to the Security Council, in cooperation with other countries or alone if necessary, all significant acts which violate Article 2(4). Although the veto may be used to block any proposed response, the Security Council is a forum where world opinion can be focused on such violations, as indeed it was when the Soviets invaded Afghanistan and again when Iran seized U.S. diplomatic personnel and held them hostage. At the least, the world should know where each Great Power stands with respect to Charter violations.

Along with other UN members, the U.S. should examine other possible means to strengthen the role of the Security Council in settling disputes, such as holding private meetings annually at the Foreign Ministers level, sending fact-finding missions to trouble spots, or asking the Secretary-General

to make an inquiry and report. In general, the U.S. should support and encourage the Secretary-General's initiatives to submit conflicts to the Security Council under Article 99, which authorizes him to "bring to [its] attention . . . any matter which in his opinion may threaten the maintenance of international peace and security." It might also request that the Secretary-General be mandated to issue particularized annual reports—modeled on his reports on economic and social issues—on the world political and security situation. These reports might include the world arms buildup, the numbers of killed and wounded—and refugees created—in local wars.

The U.N. has been effective on occasion in dealing with Third World conflicts that threatened to involve the superpowers. In the Congo (Zaire) in 1960-64, and again in the Sinai in 1973, UN peacekeeping operations staved off Soviet-U.S. confrontations and paved the way for arrangements acceptable to the American people and to most of the rest of the world.

It is true that a UN peacekeeping role is possible only when the contending parties and the superpowers accept it. When it is feasible, and when we can be sure a peacekeeping force will be constituted and used impartially, it is decidedly in the interests of the U.S. and of the world to set one up. Therefore, it is essential that the U.S. support measures to strengthen the UN's capacity in this area by establishing a roster of available national contingents trained in peacekeeping functions, arranging for airlifts, and providing for reliable funding. If a constructive proposal for such a force is vetoed in the Security Council, the U.S. should pursue it in the General Assembly.

However, so long as the Security Council's ability to deal with specific threats to peace is limited, and when UN channels have been otherwise obstructed, the U.S. must be willing and able to act outside the UN when it is essential to the national interest—in the case of the proposed Sinai peacekeeping force, for example.

2. Arms control

Disenchantment with the arms-control effort is widespread among both governments and their peoples. Step-by-step progress in the 1960s brought neither the anticipated build-up of East-West confidence nor the disarmament measures expected to follow it. Regrettably, advocates of arms build-up in each nation used each agreement as an excuse to press for new weapons systems which, in turn, increased mutual fears of surprise attack.

The SALT II treaty has been reduced to an informal set of rules which cannot long be sustained; the hoped-for measures to minimize fears of attack have not been forthcoming. Instead, we see competition for technological innovation and a new round in the superpowers' arms race, which add to the sense of insecurity of peoples and governments throughout the world. It is against this background that many governments today hope the UN and its Commission on Disarmament will persuade the U.S. and the USSR to take steps to restore faith in the ability of mankind to stop, or at least limit, the ever-more-dangerous and costly arms race.

The Reagan Administration has declared its preference for strategic arms reduction as the immediate goal of arms control negotiations with the USSR. Conditions are ripe for the U.S. to come forward in the UN with the outline of an arms reduction plan. If, as

is likely, the USSR offers its own plan, the U.S. would do well to be ready with a constructive response; otherwise another opportunity for forward movement in this critical area will have been missed and the international reaction will be one of cynicism and antagonism toward us.

Israel's recent destruction of Iraq's nuclear installation has highlighted the role the UN should try to play with respect to the proliferation of nuclear capability, which is a new source of international dispute. Since these are the kinds of disputes that, if continued, will constitute threats to international peace and security, they are most likely to occupy the Security Council in the future, especially since they necessarily affect the interests of the superpowers.

We recommend that the U.S. consider the desirability of creating, within the framework of the Security Council, a Nuclear Security Planning Committee, in which all nuclear-capable states—the declared nuclear powers, states capable of producing nuclear weapons (Canada, Sweden, India), and states whose advanced technology would make them eligible—would participate. Among other things it would function as an expert fact-finder, provide good offices and mediation services, and cooperate with local parties in planning nuclear-free zones and other arms control measures to defuse threats to the peace. The Committee would work with the expert staff of the International Atomic Energy Agency (IAEA), especially on measures to improve on-site inspections; and a small group of specialists and scientists might be attached to the UN Secretariat and assigned to facilitate this cooperation. Such a staff might also devise simulation exercises dealing with worst-case situations in which hostilities between nuclear-capable states might threaten to unleash widespread harmful radiation.

By encouraging continuing dialogue on nuclear issues, such a standing mechanism could help develop an awareness of their responsibilities among actual and potential nuclear-capable states. It could anticipate and try to head off the further dissemination of nuclear weapons, especially in connection with disputes that threaten international peace and security.

The Ad Hoc Group is aware of and strongly endorses our country's longstanding commitment to non-proliferation and to strengthening the mechanisms to achieve it, such as the IAEA inspection system. Although we recognize that yet another mechanism will not be itself solve the problem, the ever-mounting danger of nuclear disaster demands that no possible preventative measure be overlooked.

One of the most useful measures to prevent the further proliferation of nuclear weapons would be the conclusion of a comprehensive nuclear test ban treaty. Such a treaty is regarded by many non-nuclear states as a test of the seriousness of intention of the nuclear weapons states to slow down the nuclear arms race. Consequently, we urge our government immediately to resume the tripartite negotiations on a comprehensive nuclear test ban which began in 1977 and were suspended last year.

3. Middle East

The U.S. will no doubt continue to resist efforts to undermine the Camp David agreement, the most significant step to date toward settlement of a festering conflict. The failure of the UN to endorse this agreement, which brought peace to two countries after decades of war, is at least strange for

an organization whose Charter calls for peaceful settlement of disputes.

The Camp David agreement incorporates the principles of Security Council Resolutions 242 and 338, accepted by Israel and its Arab neighbor states, which affirm the right of Israel to live in peace within secure and recognized boundaries and the principle that territory shall not be acquired by conquest. Still to be negotiated are the status of the Palestinian Arabs on the West Bank and in Gaza, and the establishment of Israel's boundaries on the West Bank and Golan Heights. These issues are difficult enough, and should not be made more so by undermining the principles in these resolutions, the only agreed-upon basis for the negotiations.

The U.S. should continue to support UN peacekeeping forces on the Golan Heights and in southern Lebanon for as long as security considerations require, and to buy time for arduous peace negotiations by restraining violence. These peacekeeping operations should be administered impartially.

Moreover, the continuation of the peacekeeping operations should not be allowed to be seen as a favor the world is doing the U.S. These operations are at least as beneficial to the affected Arab states as to the Israelis and the burden of maintaining them should not be assumed solely, or even primarily, by us.

Because it is a basic UN principle that membership and participation be open to all states, the U.S. must resist any attempt to expel or suspend any country from full participation in the General Assembly, the specialized agencies and functional conferences. Specifically, it must continue to make it clear that if Israel is denied participation, pressure from the Congress and the public may impel the U.S. to reduce its financial support of the UN, perhaps even suspend its participation.

The maintenance of peace and security in the Persian Gulf area will depend less on the UN than on the ability and readiness of the U.S. and its allies, along with governments in the region, to deter Soviet encroachment; but even an ancillary role for the UN could be helpful. Should any country in the region fail to report an act of aggression or threat to peace to the Security Council, the U.S. should do so, alone or in concert with like-minded nations. Where the parties involved are prepared to use UN peacekeeping or peacekeeping instruments, the U.S. should give its full support.

4. North-South Dialogue

The Third World has been pressing in UN forums for "new international economic order." The claims and goals embraced in this concept pose a difficult challenge for the U.S. and other Western countries. Though little headway has been made in negotiations on the economic issues involved, the U.S. must be deeply concerned with the UN discussion of them, even when it decides not to negotiate there.

Clashing perceptions of equity have to be taken into account for any effective bargaining on such issues. Some developing countries contend that existing international economic relationships are illegitimate in their origins and inequitable in their effects, and that they impede the growth of poorer nations. They demand as a matter of right massive transfers of wealth from the industrial nations, including direct aid, trade concessions and higher prices for their commodities, as well as a more influential, if not a commanding voice in decisionmaking in the international financial institutions. Al-

though the industrialized countries acknowledge the need for some fundamental changes in the existing pattern of economic relationships and in the management of the financial institutions, they point out that these factors are not the only obstructions to growth in developing nations; inadequate domestic policies and institutions as well as corruption and mismanagement by local elites, often defeat the good works of international institutions, and no "new international economic order" can remedy those ills.

As our 1976 report stated, the best response of the U.S. and its Western allies to the demands of the developing countries is to combine realistic diplomacy with a readiness to accommodate honest grievances and to take into account their real economic needs. Too often the developing countries' positions are determined by the most radical members of the Group of 77 (now more than 120), who block consensus or compromise short of their extreme demands. Negotiators must recognize mutual interests in a healthy world economy, which benefits rich and poor alike. Inflation and recession in the industrialized world impede economic development and increase the debts of the developing countries; and if these countries do not grow, the trade and investments of the industrialized countries are hurt as well.

Robert McNamara, in his valedictory address (September 30, 1980) as president of the World Bank, called attention to the decline in the average annual growth of the developing countries from 3.1 percent in the 1960s to 2.7 percent in the 1970s with the prospect of a decline to 1.8 percent in the coming decade. He cited the especially severe effects of the current global economic situation on the poorest countries, and deplored the "shockingly small" allocation to them of Official Development Assistance.

In a meaningful North-South dialogue, three interacting situations urgently need international attention: (a) the increasing balance-of-payments deficits imposed on oil-importing developing countries by soaring oil prices; (b) the international debt accumulated by some developing countries which borrow in order to maintain their growth rates, and (c) the lag of agricultural production behind rapidly growing domestic demand.

If anything is to come of negotiations on monetary issues, trade and aid, they must concentrate on specifics and avoid becoming enmeshed in grand-design schemes based on ideology and the hyperbole of blame; furthermore, they should be conducted principally through the competent international agencies, i.e., the International Monetary Fund (IMF), the World Bank and its soft-loan affiliate, the International Development Association (IDA), and the General Agreement on Trade and Tariffs (GATT). Where conditions and governmental attitudes warrant, regional approaches, as in the Caribbean-Central American region, can be fruitful.

The U.S. must resist efforts to undermine these major international institutions, which are demonstrably more expert than they are political, and which have voting and negotiating processes that can assure that U.S. concerns will be fairly protected. These institutions have a commendable record in assisting the developing countries. The World Bank and IDA have increased development assistance ten-fold in the past decade and have emphasized aid to the poorest countries and the most needy people. The IMF has increased its assistance

to Third World countries substantially and has adopted a more flexible code on the use of currencies to help poorer nations with balance-of-payments difficulties.

It is vitally important that we maintain our financial support of the World Bank, the IDA and the IMF. Any reduction in U.S. funding of these agencies, which originated in U.S. initiatives and are the major development institutions of the UN system, would diminish the flow of resources to the poorer countries. In addition to considerations of humaneness and equity, reducing the U.S. contribution would impede the recycling of balance of payment surpluses and reduce world demand for American products. It would bring a proportionate loss of U.S. voting power and influence and consequent damage to our national interest.

There must be no question that we will oppose, whether in the General Assembly or at special conferences, any attempt to "legislate" such unrealistic majority "decisions" as those demanding automatic transfer of resources.

The U.S. should resist domestic protectionist pressures, whose success would make it more difficult for developing countries to pay their way, jeopardize the ability of many to serve their debts, and aggravate our one inflation problems.

The U.S., once the world leader in foreign aid, now ranks among the least generous of the industrialized nations. As of 1979, our official development assistance had fallen to 0.20 percent of gross national product, whereas several Western countries were contributing to the UN target amount of 0.70 percent or more. Unpopular as foreign aid is in periods of inflation and budgetary strain, we should resist pressures to reduce it further. Such reductions could hamper the developing countries' economic growth and thus aggravate political instability, as well as damage U.S. markets in the Third World, which now buys about 37 percent of our exports. While we recognize that official assistance is not the sole measure of America's contribution to development (some argue that the U.S. assists more substantially by helping develop the private sector), we believe our official assistance should be increased to compare favorably with that of France and the Federal Republic of Germany, which in 1979 were providing .59 percent and .44 percent of GNP, respectively. (France recently revised its contribution to deduct the amount of aid given to overseas territories considered part of Metropolitan France). At the same time, the U.S. and other Western countries should continue and expand efforts to transfer to the developing countries important resources of capital and technology through private investment.

Any discussion of North-South economic relations must take into account that while the more than tenfold increase in oil prices since 1973 has exacerbated worldwide inflation, inhibited economic growth and drastically underlined Western vulnerability, it was the poorer Third World nations which suffered most. All the nations of the Group of 77, including OPEC, stand together in setting guidelines for North-South negotiations, but there is no such solidarity in sharing burdens, so that the rising debts of the poorer countries—largely attributed to OPEC's price increases—threaten to overwhelm their struggling economies. While aid by OPEC members to these countries (most of them Moslem) now surpasses that of the Organization for Economic Cooperation and Development (OECD), the price of

their oil cancels the assistance, a fact which has elicited no real protest or criticism from the UN. Surely, the OPEC countries should cooperate with the North to ensure adequate oil supplies to the less fortunate countries in the South, even help them solve their debt problems.

In the current critical period of transition toward a new energy era, the economic well-being of most of the world is still dependent on the stability of oil supply and prices. Energy is obviously not only a domestic concern but also an important and integral element of U.S. foreign policy.

With about 5 percent of the world's population, Americans manage to consume about 30 percent of the world's energy production, or almost twice the per capita consumption in the developed European countries. Obviously, then, the U.S. has the greatest potential for conservation, and an equally great responsibility to lead in the development of alternative sources of energy. We have made a good deal of progress toward this end in recent years, but much remains to be done.

Satisfactory arrangements between the oil importing and oil exporting states can only be achieved if the importing states continue to strengthen their bargaining position vis-a-vis OPEC. In addition to continuing to work seriously to reduce its own oil dependence, the U.S. should seek further cooperation with the other importing states on research and development for conservation and alternative forms of energy. To diversify the oil and other energy sources, it should assist developing countries in energy exploration and production through facilitating private U.S. investments as well as by participating in the multilateral financial institutions and in mutually beneficial bilateral government agreements.

OTHER GLOBAL ISSUES

Availability of sufficient and affordable energy is only the most immediate of a number of important issues that concern all or most countries. Other issues are the pressure of growing demand on various finite non-renewable resources, the sharing of resources of the seas, seabeds and outer-space, the race between rapidly growing population and food production, the control of epidemic diseases, the safety of international air travel, the allocation of radio frequencies, and the protection of the environment. As technology has generated political and legal problems, these and other global issues have blanketed the agenda of the UN system. International cooperation in dealing with them is vital to assuring a livable world in the decades ahead.

Complete agreement on at least one of these major issues, sharing the uses and resources of the seas, appeared very close as 1981 opened. Six years of hard bargaining had brought nations close to agreement on over 300 articles of a draft treaty. We urge that the U.S. continue to seek agreement on a comprehensive Law of the Sea treaty in the interest of all nations that would fully protect navigational freedom and assured access to seabed minerals.

5. Namibia and South Africa

In Namibia, which presents the last significant problem of decolonization, the U.S. should continue, as it has done in recent years, to take into account long-term trends in Africa, as well as the aspirations of the Africans. Such an approach led to the majority-supported solution in Zimbabwe, which was endorsed by the African frontline states, the United Kingdom and the U.S.

For Namibia, the Security Council has approved a plan worked out by the U.S., the United Kingdom, France, West Germany and Canada after consultations with the concerned parties. In essence, the plan provides for UN-supervised elections to determine what kind of government should rule an independent Namibia. The plan has been accepted by SWAPO at the urging of the African states; and because SWAPO expects to win such an election, South Africa, while giving signs of accepting the plan in principle, has raised various objections to its implementation. In particular, it argues that the General Assembly's endorsement of SWAPO, which is dominated by the Ovambos, casts doubts on the impartiality of the UN.

We believe the U.S. should continue to support the basic principles of the plan and press South Africa to resume negotiations in good faith. The U.S. might also invite the Black African states and South Africa to work out constitutional guarantees to protect Namibia's minority ethnic groups, black, white and mixed.

Apartheid in South Africa proper is a different and more difficult problem. The UN has condemned apartheid as a crime against humanity and virtually all countries have called for its abolition. There has also been great pressure by African countries and others for economic and military sanctions against South Africa through the Security Council. Apartheid is an abomination and we urge that the U.S. cooperate in efforts toward its speedy elimination. But we do not believe that it constitutes the kind of threat to international peace and security which, under Chapter VII of the UN Charter, would justify military action. Nor do we believe the anti-apartheid cause is advanced within the country by refusing South Africa participation in the General Assembly. However, we support selective UN and bilateral pressures, such as the continuation of the arms embargo and the discouragement of new investments.

To equate the problems of the Palestinians with that of the apartheid imposed on the black majority in South Africa is a gross distortion, one more example of bias which damages UN credibility. Privately, the U.S. should make it clear to the Africans and others promoting this distortion, that it harms their interests; publicly we should always take a firm stand against this deplorable equation. One way to counteract it is for the U.S. to participate in special conferences on South Africa, racism and apartheid on the basis of a "gentlemen's agreement" with the sub-Saharan African states that they will oppose resolutely any effort to intrude the irrelevant subject of Zionism.

6. Human rights; international terrorism

At the UN founding conference in 1945 in San Francisco, it was the U.S. which took the lead in launching the post-war international human rights movement. The Nazi experience had demonstrated the close connection between repression of human rights at home and international aggression abroad; and the UN Charter postulated that observance of human rights and "the creation of conditions of stability and well-being" were organically linked to the prerequisites for peace (Article 55).

The human rights principles of the UN Charter and the constitutions of the UN specialized agencies as well as the moral-political declarations and binding conventions emanating from them, have been endorsed by a majority of member states, notwith-

standing that most pay them only lip-service. The principles of the Universal Declaration of Human Rights and the Covenant on Civil and Political Rights place high value on rights rooted in our American tradition such as the rights to freedom of speech, press, assembly and association, fair trial, and other rights and freedoms of individuals. The U.S., in recent years, has been a leading advocate of these principles in the UN bodies and should continue in that role.

Andrei Sakharov has said that "defense of human rights has become a worldwide ideology, uniting on a humane basis peoples of all nationalities and with the most diverse convictions." The U.S. must face the challenge of how to relate to this "worldwide ideology." We believe that America should be identified, for both moral and prudential reasons, with promoting an international rule of law that encompasses human rights values. It would be contrary to our interests to let the human rights mantle be appropriated by political and ideological forces which are in fact inimical to human rights.

The Ad Hoc Group reaffirms its commitment to the human rights ideal and urges the U.S. to work toward its advancement both through international institutions and processes and through bilateral relationships. Because human rights are such an important international issue today, their defense should be a prominent part of the U.S. foreign policy agenda. Further, a strong American policy on human rights would be a powerful counterforce to the ideological appeal of communism in the battle for the hearts and minds of mankind.

International law obligates all governments, notwithstanding the regrettable absence of an international judicial system and enforcing authority, to respect and promote their citizens' basic rights and freedoms. It has established that the way a government treats its people is a legitimate concern of the international community, so that assertions or complaints by one country that another is violating its citizens' human rights are unquestionably legitimate. President Reagan recognized this fact in his remarks at the "Day of Remembrance" ceremony for the victims of the Holocaust, on April 30, 1981 at the White House: "Never shall it be forgotten for a moment," he affirmed, "that wherever it is taking place in the world, the persecution of a people, for whatever reason . . . is a matter to be on [the] negotiating table or the United States does not belong at that table."

Neither authoritarian nor totalitarian regimes should be permitted to subscribe formally to international human rights standards while violating them in practice. When their practices violate the internationally recognized norms to which they claim to adhere, governments should not be allowed to demand "noninterference" in their internal affairs, or to claim that state security dictates the violation; they must be called to account.

While cooperating in promoting the enjoyment of economic and social rights which are also integral to American values (one of Franklin D. Roosevelt's Four Freedoms was Freedom from Want), the U.S. should resist the thesis advanced by some Third World countries that economic and social needs must be met before a state can afford the "luxury" of civil and political freedom. The poor and even hungry can also understand the importance of freedom to speak and organize, of freedom of emigration and of fairness in the criminal justice process. The

General Assembly itself has declared (res. 32/130, December 16, 1977): "All human rights and fundamental freedoms are indivisible and interdependent; equal attention and urgent consideration should be given to the implementation, promotion and protection of both civil and political, and economic, social and cultural rights."

The Administration has recently affirmed that "the protection and enhancement of human rights is a principal goal of [its] foreign policy" and not "a mere afterthought in the foreign policy process;" that "while private diplomacy will be the preferred approach [it] will continue to use . . . [public diplomacy] where it is needed;" that it "opposes the violation of human rights whether by ally or adversary, friend or foe" and will not pursue a policy of "selective indignation."

What Senator Daniel P. Moynihan said of the UN's selective morality applies also to us: "Unless standards or human rights are seen to be applied uniformly and neutrally to all nations, regardless of the nature of their regime or the size of their armaments . . . it will quickly be seen that it is not human rights at all which is invoked when selective applications are called for, but simply arbitrary political standards dressed up in the guise of human rights. From this perception it is no great distance to the conclusion that in truth there are no human rights recognized by the international community."

Of course, our own leverage varies with different nations and, therefore, our effectiveness necessarily varies. Still, to be effective, the U.S. stance on human rights must be coherent and even-handed. Only in highly exceptional circumstances, when overriding security interests are at stake, should there be any exceptions, and these should be justified and explained to the American people.

We commend the Human Rights Commission's recent extension of its concern to patterns of gross violations in parts of the world hitherto insulated from international scrutiny; but the Commission and other UN bodies still have a long way to go toward correcting the prevailing double standard. U.S. representatives in these bodies should vigorously oppose the kind of selective morality which concentrates on violations in a few countries while important violations in Eastern Europe, Africa, Asia and Latin America are ignored or barely noticed. But neither should these representatives condone violations simply because the UN has been selective. They should condemn all violations, whether by leftist or rightist governments.

The U.S. must be a committed participant in the UN's setting of human rights norms, not only in drafting but also by ratifying adopted conventions, with only essential reservations. It is inexcusable that we have not yet ratified the principal human rights conventions and conventions, in particular, the Genocide Convention and the Covenant on Civil and Political Rights, both of which are reflective of our own values. If we ratified at least this Covenant—including the Optional Protocol on the individual's right to petition—and the Convention on the Elimination of All Forms of Racial Discrimination, the U.S. could participate in their implementing bodies and thereby influence their practice and evolving jurisprudence.

Further, the U.S. should participate in UN efforts to adopt new norm-setting principles on, among other things, the ban on torture or other maltreatment of prisoners, the

elimination of religious discrimination, the protection of ethnic minorities, the safeguarding of human rights advocates, and the right to emigrate. The Universal Declaration and the Covenant on Civil and Political Rights recognize the right to leave one's country and return to it as a basic freedom; it is nearly 20 years since the UN Sub-Commission on Discrimination and Minorities proposed a set of principles spelling out this freedom, to be adopted as a declaration or convention. Follow-up action by the Human Rights Commission is long past due.

The U.S. should continue to press for observance of due process in UN fact-finding on human rights. Such standards must exclude preconceived standards and condemnations; and require that fact-finding missions be composed of independent persons respected for impartiality and integrity. These and other proposals for the model rules of procedures adopted at the August 1980 Belgrade conference of the International Law Association merit U.S. supported advocacy.

We should support other efforts to strengthen the UN's implementing capacity, both by improving existing mechanisms and by establishing such new institutions as the proposed office of UN High Commissioner for Human Rights. It would also be helpful, among other improvements, to allow complainants under the Human Rights Commission's confidential Resolution 1503 procedure, access to governmental responses to their allegations, and generally to relax these secrecy restrictions; to preserve and strengthen the mandate of the Commission's working group on disappearances; to empower the Commission to convene emergency sessions on reports of "mass and flagrant violations of human rights of an urgent nature," and to upgrade the status of the UN's Human Rights Division to a Human Rights Center.

Complex modern societies are increasingly vulnerable to international terrorist acts, which not only can, indeed are intended to, damage and destabilize societies, but can dangerously unbalance international relations. Secretary of State Alexander Haig has condemned the human rights violations of "rampant international terrorism." Whether perpetrated by individuals, political groups or governments, terrorism affects basic human rights not only because hostage-taking, bombings and other violent acts inflict death and suffering on innocent victims, but also because it may force both governments and political groups to take countermeasures that often victimize the innocent. And the fact that terrorist groups often wrap themselves in the cloak of human rights complicates countermeasures.

Both a comprehensive strategy and ways to deal with its particular manifestations are needed to combat international terrorism. No form of terror by individuals or counter-terror by governments, for whatever "righteous" reason—as a protest against poverty or political tyranny, in the cause of national liberation, for national security—should be exempt from condemnation. The U.S. must make it clear that every UN failure to speak out and to act against any manifestation of terrorism endangers the entire structure of human rights.

Effective international action against terrorism depends on general agreement that certain acts are crimes, regardless of their alleged motivation. As Yugoslavia declared in a 1972 letter to the UN: "Grave offenses and serious crimes should not be treated as political acts even in cases where the mo-

tives for committing such acts are of a political nature." These and other crimes and offenses have been defined in the International Civil Aviation Organization's conventions against hijacking and other dangerous interferences with civil aviation, in the UN's 1972 convention on the protection of diplomats and other internationally protected persons, and in its 1979 convention against the taking of hostages. Unfortunately, such conventions are undermined by the failure of some countries to ratify them or to comply with them when they have been ratified—for example, when Iran held American hostages for more than a year.

The U.S. should work in the UN and elsewhere to increase the number of ratifications and to develop mandatory procedures for punishing or extraditing offenders and penalizing non-ratifying governments. For example, it should join other nations at the UN, or outside it, to work out an international agreement whereby all nations would promptly and automatically cut off diplomatic and economic relations with any government that takes diplomats as hostages, or fails to protect diplomats on its territory, or fails to try to extradite persons who commit such offenses and seek their sanctuary.

Among other terrorist crimes that could be the subject of new international agreements are the export of violence to countries which are not parties to a conflict and the international mailing of letter bombs and other explosive devices. The U.S. might consider supporting the American Bar Association's proposal to create an international criminal tribunal to try terrorists.

7. Politicization of specialized agencies, functional conferences and secretariats

U.S. leadership in sponsoring international mechanisms to deal with special economic and social problems long antedates the UN, a prime example being the creation of the International Labor Organization in 1919. It was thought then and in the early years of the UN that clearly defined programs for the general welfare could be insulated from the members' "high politics" and that agreements could be reached on monetary policy, investment, trade, agriculture, labor, health, education, science, culture, communications, nuclear energy, civil aviation, merchant shipping, and other important issues. It was hoped, too, that habits of cooperation in these specialized areas would spill over into such politically sensitive areas as security.

In fact, the opposite has too often happened: The politics of the General Assembly and the Security Council have been replicated in various specialized agencies and functional conferences. Undeniably, many of the specialized agencies have made important contributions to the general welfare. They have contributed greatly to the development of Third World countries and the growth of the international economy. The Food and Agriculture Organization, the World Health Organization and other specialized agencies have contributed enormously in their respective spheres and have largely maintained their specialized and professional character. The Stockholm Conference (1972) sensitized governments around the world to increasingly serious environmental problems and led to the establishment of the UN Environment Program.

Unhappily, the efforts of some of the agencies—UNESCO, ILO, World Health Organization and others—have been threatened by the injection of extraneous political issues ("politicization") that provokes fric-

tion and confrontation and hinders cooperation. Two closely related patterns are involved in this regrettable development: taking action on matters outside the specific functional domain of a given specialized agency or conference, and reaching decisions on matters within their functions competence on the basis of political considerations irrelevant to the technical or scientific problems at issue.

A glaring example was the World Conference on Women, held in Copenhagen in 1980, whose purpose was to analyze the problems and to promote the economic, social, educational, health and other interests of women. Because special resolutions introducing extraneous and divisive political issues were adopted—notably calling for the "elimination" of Zionism, providing for specific UN aid programs to be carried out only for Palestinian women with no specific provision for Somali, Eritrean or the needy women of other countries, citing the predicament of women in El Salvador and Chile but not of those in Afghanistan, Cambodia, Uganda or Saudi Arabia—26 governments, including virtually all the western governments, refused to support the conference's overall Program of Action.

Since the resolutions at such conferences are non-binding recommendations and meaningful only to the extent that they influence government attitudes, it is doubtful that they should be voted on at all. Indeed, voting procedures at such conferences actually encourage the introduction of divisive political issues. When governments whose cooperation is important, or even critical, are outvoted, the consequences can only be counter-productive. We believe the U.S. should seek when feasible to have decisions at specialized conferences made by consensus. In any case, when irrelevant political issues are likely to jeopardize the goals of a conference, the U.S. should consider seriously refusing to attend and share its costs. Obviously, such a policy would be effective to the degree that it is espoused by other governments as well.

Of all the specialized agencies, UNESCO presents perhaps the most troubling case of intrusion of retrogressive ideology and biased politics, with inevitable damage to its reputation and constructive programs. A conspicuous example has been the effort of the Soviet Union and some Third World governments to legitimize, under the rubric of a "New International Information Order," government controls over the collection, transmission and publication of news by the press and other mass media. While calling for a "free and balanced flow of information and news" internationally, these governments maintain a discreet silence about its absence in their own countries, where news usually means government propaganda.

While offering to help Third World countries improve their communications capacity, the Western democracies have stood firm against the insidious assault on freedom of information and expression. The U.S. Senate, by a vote of 99-0, rejected the concept of a "new information order" and called for prohibiting any U.S. funding toward "projects to license journalist or their publications, to censor or otherwise restrict the free flow of information within or between countries, or to impose mandatory codes of journalistic practice or ethics." The House of Representatives approved overwhelmingly resolutions holding that the establishment under UNESCO aegis of a new information order would restrict free-

dom of the press, and calling on it to cease efforts to regulate the flow of news and information around the world.

We endorse this Congressional stand as well as the Administration's intent to pursue at the UN the principles of the Declaration of Talloires (adopted by a Conference of Independent News Media, May 15-17, 1981 at Talloires, France), which emphasized that press freedom is a basic human right.

Like many other UN bodies and agencies, UNESCO has succumbed to the Arab-Soviet strategy of maligning Israel and undermining the Camp David process. In disregard of findings of UNESCO's own experts, every UNESCO General Conference since 1974 has condemned Israel's archaeological projects in Jerusalem, and its educational and cultural practices in the West Bank and Gaza.

We believe the time has come to reassess the capacity of UNESCO, and certain other UN agencies, to function compatibly with their declared ideals and purposes. Where politicization, or gross inefficiency, has seriously impaired this capacity, and remedial efforts fail, the U.S. should consider alternative institutions or mechanisms to provide their intended services. Our preference is that the U.S. stay in UNESCO and aggressively affirm our own interests and ideals, and work to restore the agency to its proper role; but if these efforts fail, we should not exclude the possibility of withholding financial support or even withdrawing from the agency.

In the secretariats of the UN and its specialized agencies, hiring and promotion have been influenced increasingly by political pressure rather than by merit. This has brought many poorly qualified officials to important positions and, as a consequence, eroded confidence in the integrity of international officials in general. The U.S. should take the lead, in cooperation with other governments, in seeking to reverse this damaging trend, for in the decade ahead, it will be crucial that international secretariats be competent and objective. Able Americans and qualified people from other nations should be encouraged to join these secretariats.

8. Voting and decisionmaking: "The tyranny of the majority"

Every international organization needs a decision-making procedure suited to its objectives. Weighted voting is appropriate for the World Bank, the IDA and the IMF, for without it, the major contributors are not likely to provide the huge resources required. The same principle has been applied to regional development banks. In the International Fund for Agricultural Development, based on a similar principle, the OECD and OPEC jointly provide most of the resources and have one-third of the votes each, with the remaining one-third distributed among all other members. In commodity agreements, it has been accepted as reasonable that producer and consumer countries have equal voting rights subdivided according to relative market shares. In short, some form of weighted voting, with variations, is essential in organizations where some nations contribute most of the resources.

The Law of the Sea Conference has functioned by consensus rather than voting and thus achieved near agreement on more than 300 articles of a draft treaty. Although the consensus procedure is slow and laborious, it is reasonable to apply it in negotiating a

treaty whose effectiveness depends on ratification by governments. For this reason, we would recommend its adoption for treaty-drafting and generally at functional conferences. The UN Institute for Training and Research is appropriately about to publish a study with this same thesis. It should be taken up by our government.

Since the Security Council can make binding decisions to impose economic, political and military sanctions—which could not be effective in the face of determined opposition by a superpower—the veto is indispensable.

The General Assembly has been somewhat grandly called the "Parliament of Man," but in reality it is much less than that. It can give directions to the UN Secretariat and set the budget, but aside from these binding powers it cannot legislate by majority vote, even when it designates a document a "Declaration" or "Charter." (On the other hand, international law may be developed by consensus if the text is carefully and meaningfully worked out. Initiating international law in areas ripe for it is in fact one of the Assembly's important roles.) Nevertheless, although not binding, Assembly resolutions can significantly influence the views of governments, which alone have the power and the resources to make them effective.

More and more frequently, resolutions by the General Assembly and by the assemblies of such specialized agencies as UNESCO and functional conferences like the one at Copenhagen have disturbed the U.S. and other governments, as well as public opinion, with harmful impact on programs of international cooperation. This is because the true value of an Assembly or conference is not measured by the number of resolutions it adopts, nor by the decibels of oratory, but by the success or failure to win the members' cooperation.

It is probably unwise, and certainly difficult, to lay down hard and fast rules for U.S. voting in the assemblies and conferences of the UN system. When we favor a proposal, obviously there is no problem. When we are opposed, the first step should be consultation with other friendly delegations on what to do: Shall we try for an amendment? Call for separate votes on objectionable features? Vote no? Abstain? Not vote at all? Any one of these negative postures should be accomplished by a trenchant explanation. Moreover, the U.S. should not fear to stand alone, if necessary, especially if an important principle is involved. In such cases, we should grasp every opportunity to make our objections known, especially in bilateral communications with the member governments.

Given the importance of Congressional and public acceptance of U.S. cooperation in international programs, Third World countries could help toward this end if they avoided actions that are not in their essential interest but which needlessly offend American public opinion. U.S. representatives ought to explain to them the possible consequences, including curtailment of funding, of flagrant instances of politicization.

9. Synchronizing multilateral and bilateral action

In the course of world events, matters that were traditionally dealt with by bilateral diplomacy or by small groupings of nations have become part of the multilateral agenda. Conversely, it is estimated that multilateral issues now constitute about 70 percent of the content of bilateral diplomacy.

Thus, not just prudence but necessity dictates that the people engaged in bilateral policy in Washington and the U.S. embassies be knowledgeable about multilateral preoccupations and programs, and seek opportunities to advance our objectives through the UN and other multilateral institutions.

Many countries, especially the smaller ones, do not even coordinate their own positions at different multilateral forums. They take sharply different positions, for example, at the annual meetings of the World Bank and IMF and in the General Assembly. The U.S. should watch closely the positions these countries take in various forums and make it clear to them that their multilateral policies are matters we will take seriously into account in our bilateral relationships. We recognize that there can be honest differences between us, but it is another matter when a country takes anti-American positions irresponsibly or demagogically, or under the influence of bloc pressure, even when its real interests are not at stake. Gratuitous attacks on the U.S. should not be cost-free.

Obviously, the U.S. must first coordinate positions within and among its own departments and agencies, not only in the State Department but also the Treasury, the Agency for International Development and the others concerned.

Any viable policy toward the UN has to be solidly grounded in Congressional and public acceptance, particularly when costly international programs are involved. The essence of a prudent, realistic and effective policy is a balance between our domestic and foreign interests, and the building of a consensus on the sacrifices it demands. It is precisely because Congress has no substantial constituency that is interested in international affairs that the U.S. Mission to the UN has the responsibility to inform both the legislative and the executive branches what the rest of the world is concerned about. Though the U.S. must reserve the right to act alone to safeguard its interests where no other course is available, American leaders and officials need to be aware of the advantages that can accrue from collaboration in multilateral institutions. It may be useful to this end to attach to our General Assembly delegations not only occasional members of Congress, as we do now, but also some senior international relations staff attached to key Committees and members.

Any strategy for dealing with the Group of 77 requires consultation with the other OECD countries, but that does not mean the positions must be uniform, as the Soviet bloc demands of its members. Differences and flexibility are not necessarily to our disadvantage, if we want to encourage developing countries to pursue their real interests rather than take rigid bloc positions. Examples of industrialized countries' flexibility should be there to follow! Though the U.S. should not fear to stand alone on fundamental principles, wherever possible we should try hard to enlist support from our allies and friends. Too often, friendly nations have made opportunistic concessions—which they did not really favor—on important issues, because they felt safe in the knowledge that the U.S. would take care of their interest by defending the principle at stake. In trying to work out in advance joint positions with friendly countries, we may be able to give them the courage to express and vote their real convictions.

CONCLUSIONS AND RECOMMENDATIONS

In 1981 the UN system, with some good works in the cause of peace, economic and social betterment and human rights, also reflects—and occasionally aggravates—the dangerous international environment in which the U.S. finds itself. In our 1976 report, we attributed the deterioration of the UN's institutional capacity to deal impartially and effectively with important world issues to the opportunistic behavior of some members. Unfortunately, we must ask again "whether it is possible to turn around political behavior so that the institution will again become an environment for useful dialogue and constructive action."

We still believe it is in the American interest to use the UN as a forum for carrying out our country's foreign policy, a long-term goal of which should be active cooperation in working out measures for global survival, economic and social improvement, and human rights for all people. We should cooperate toward these ends when matters of interdependence are involved, but also be prepared to go to other multilateral institutions or combinations, or act alone, when necessary.

The U.S. should be receptive and attentive to the concerns and claims of Third World countries and be ready to cooperate with them in achieving peaceful change. Many of these countries are increasingly important to the U.S. economy and geo-political strategy, and indispensable in cooperative efforts to assure a livable world. Yet even as we cooperate in the quest for economic and social betterment, and even as we reconsider some of our positions, we should make it clear that on occasion the U.S. will be obliged to disregard recommendations voted by a numerical majority rather than arrived at by a process more reflective of the sentiments of the world community. So long as the UN system, other than the Security Council with its veto power, does not have effective means of protecting the interests of minorities, one cannot expect states to accept automatically principles and measures voted by transient majorities, after arrived at in the heat of passionate political debate without due consideration of all the interests at stake.

We should make it plain to UN member states that the Organization's moral integrity is its most precious resource, and that its strength lies in a reputation for fairness, objectivity and effectiveness. Only through a world organization that commands respect will governments be able to solve the complex and threatening problems that lie ahead.

The U.S., in cooperation with like-minded states, should strive to make the UN a stronger and a better mechanism for building a more peaceful and just world. In order to help it serve both international cooperation and our own national interests, we recommend that the U.S.:

Join the UN member nations, indeed offer leadership, in a rededication to cooperation in maintaining international peace and security through the peaceful management of violent conflicts and the balanced reduction of armaments. While we prefer to share responsibility toward this end, we reserve, of course, our right under Article 51 of the UN Charter to act in individual or collective self-defense.

Continue work with other nations to strengthen the UN's peacekeeping capacity to prevent or stop local wars and avoid superpower confrontations.

As a general rule, should bring to the Security Council, in cooperation with other countries but alone if necessary, all significant threats or uses of force against the territorial integrity or political independence of any state. Even if blocked by veto, such initiatives can raise the political cost to violators by exposing them to the pressures of world opinion.

Explore, in cooperation with other UN members, opportunities and means to strengthen the role of the Security Council in the peaceful settlement of disputes. We should encourage the Secretary-General to use more frequently and less selectively his Charter authority to bring to the Council's attention matters threatening international peace and security.

Consider the feasibility of creating, within the Security Council, a Nuclear Security Planning Committee whose functions would be fact-finding, good offices and mediation, devising plans for nuclear-free zones and other arms control measures, and generally encouraging awareness of their responsibilities among actual and potential nuclear-capable states.

Take greater initiatives in seeking verifiable agreements for balanced and mutual reductions of armaments which would increase American security, enhance world peace and release resources and manpower for constructive purposes.

Resist efforts by any party to undermine Security Council Resolutions 242 and 338—the only agreed-upon basis to date for a comprehensive peace in the Middle East—and the peacemaking process initiated in the Camp David Accords. Concomitantly, we should oppose all attempts to deny any member state full participation in the General Assembly, the specialized agencies and functional conferences.

Continue to support an active UN role on behalf of Namibian self-determination and the abolition of apartheid in South Africa.

Strive toward the early conclusion of an equitable and workable treaty on the Law of the Sea.

Continue its strong support of the IMF, World Bank and IDA, including provision of a fair share of the required funding.

Consider the legitimate and realistic economic and social concerns of Third World countries, while making it clear that we will not sacrifice important national interests to the exhortations of majority-voted resolutions in the General Assembly, specialized agencies, or in functional conferences. One cannot expect states to accept automatically recommendations adopted by one-nation, one-vote majorities, often arrived at in the heat of passionate political debate without due consideration of all the interests at stake.

Carry out, in accordance with the ethical values and historical traditions of the American people, a principled policy of promoting and protecting human rights and fundamental freedoms. To this end, we should,

(a) promptly ratify major human rights treaties;

(b) participate energetically, consistently with and in defense of our principles, in the Human Rights Commission and other UN bodies and agencies engaged in human rights programs;

(c) oppose attempts to restrict UN discussion of human rights to a few countries while ignoring violations elsewhere, and take the initiative in broadening the discussion;

(d) insist that all states ratify and fulfill their obligations under existing conventions

against hijacking, hostage-taking and other terrorist outrages, and work for additional international instruments against particularly grievous manifestations of terrorism, including nuclear terrorism. We should insist that states adhere to the spirit of the agreements, which aim to deter offenses regardless of motive.

Seek in UN conferences devoted to various functional problems to replace so far as possible adversarial voting by decision-making through consensus.

Consider not attending or withholding financial support from specialized agencies or functional conferences whose purposes we have found—after careful examination, explanation and warning—to be seriously compromised by the injection of extraneous political issues.

Call on the UN member states and on the Secretary-General to restore "meritocracy" in Secretariat appointments and promotions throughout the UN system, and to ensure efficiency and integrity in staff performance in accordance with the principles in Articles 100 and 101 of the UN Charter.

Intensify efforts and improve procedures in the State Department and other government departments and agencies to utilize bilateral diplomacy more effectively in the service of our national objectives and interests in UN and other multilateral forums. We should coordinate more effectively our bilateral and multilateral diplomacy.

Develop closer cooperation in international matters among the Administration, Congressional committees involved in international affairs, transnational corporations and American nongovernmental organizations active in the international area, in order to ensure coordinated action in matters of common interest.

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ARMY SAVES TAX DOLLARS

Mr. PROXMIER. Mr. President, I wish to praise the U.S. Army for management efficiencies which will result in a saving of over \$4 million to the U.S. taxpayer. At a time of record high military budgets and horror stories, it is good to hear that the Army is showing some old-fashioned frugality and efficiency.

The U.S. Army Finance and Accounting Center, in Indianapolis, Ind., has put into effect three programs which eventually will save over \$4 million.

The first involves matching Army computer files of military retirees receiving retirement checks with computer files from the Veterans' Administration of recently deceased veterans.

Lo and behold, the Army found 159 cases of dead retirees still receiving, and cashing, their checks at a total of \$570,000. Whoever said, "You cannot take it with you?" The Army cracked

down and has collected more than one-third of these funds with more expected soon.

Second, they used the computer to match payments to individuals receiving two different types of Government financial assistance—survivor benefit plan annuities from the Army and dependency and indemnity compensation funds from the Veterans' Administration.

U.S. law requires that the Army's payment must be reduced by the total of the Veterans' Administration payment. But nobody had been checking one against the other. When the finance center ran its computer, it found 262 cases of overpayments going back to 1974 totaling over \$3.7 million. The Army is trying to recover these excess payments, and the computer now weeds out these double payments annually so the situation cannot recur.

Third, the finance center has listed to the advertising that mailgrams have the "impact of a telegram at a fraction of the price."

Instead of using computer letters to collect debts owed the Army, they started using mailgrams. Initial figures indicate that debt collection will be up 7 percent with a potential saving of \$234,000 annually.

Mr. President, these savings project out to over \$4 million and in some cases they will be made year after year.

We are not going to balance the budget with these cost savings nor are we going to reduce the huge increase in defense spending. But they are a fine example for the rest of Government to follow.

If every finance center, base, department, office, and bureau in Government had the same management record, maybe we could put a dent in that deficit.

THE REWARDS OF PERSEVERANCE

Mr. PROXMIER. Mr. President, another book on the Holocaust appeared recently. This one, entitled "The Black Book," attempts to convey the emotions of Soviet Jews during the Nazi invasion of the Soviet Union. It is a compendium of stories recounted by survivors of the Hitler extermination campaign.

One of the most vivid and morose accounts is about a man who hid for 26 months in the cellar of his house, unable to lie down or stand up, and then died 2 days before the Red army arrived.

The "Black Book" was compiled 30 years ago but was only published recently. Its release had been blocked in deference to the East Germans. Only after three decades of struggle did the editors gain permission for its release.

Mr. President, this work is laudatory not only because of its literary merit, but also because it calls to our attention the horrors of genocide. Without frequent reminders of the atrocities that transpired under Hitler and others who have committed genocide, lessons may quickly be forgotten. "The Black Book," in its anecdotal style, carries on the instructive tradition in a powerful way.

A book with startling and vivid tales such as "The Black Book" can jar a segment of the population for a period of time. As with any book, however, the effects are neither national in scope nor permanent.

Like the editors of "The Black Book," I have spent much time and great energy attempting to expose the crime of genocide and to see that our Nation goes firmly on record as opposing this heinous crime. It took over 30 years of persistence to have this fine new work published. The fight for ratification has taken as long. It must not take another year. Mr. President, I call on the Senate to ratify the Genocide Treaty at the earliest possible date.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEATH OF AUDLEY F. MAHAFFEY

Mr. GORTON. Mr. President, I should like to bring to the attention of the Senate the recent death of Audley F. Mahaffey, a longtime educator and legislator from Washington State.

Mr. Mahaffey and I served many years together in the State house of representatives as members for the same district. In fact, he began an interrupted career in that body in the same year that I started my first term as a State representative. I benefited from his wise counsel and his friendship. He was my close friend and good neighbor.

Mr. Mahaffey's many contributions to State government and to numerous civic organizations will long be remembered, both by those who knew him and by those who will benefit in the future from the acts of his dedicated service.

I ask that each Member of the Senate extend his or her sympathy to his widow, Frances Mahaffey, and to the family.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. LONG. Mr. President, reserving the right to object, can the Senator tell me what he had in mind doing? If he is not going to do anything, why do we not go home?

Mr. BAKER. Mr. President, the Senator from Louisiana had his hopes up there for a minute, but I am going to dash them and tell him I am very hopeful that we will indeed get started on the continuing resolution making appropriations for three departments of the Government.

Mr. LONG. I have no objection.

Mr. BAKER. Mr. President, before the Chair considers my request, I may say that I understand there may be another Senator or so who has need for time to conduct morning business. I intend to extend that time, assuming the Senate will consent, and then at the close of the time for morning business or as soon as the principals arrive to deal with the continuing resolution we will go on to that.

Mr. LONG. I thank the Senator.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the time for transaction of routine morning business be extended for not longer than 30 minutes additional time under the same terms and conditions as the request entered this morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the Chair.

Mr. President, while we await the arrival of any Senator who may have need for time to transact routine morning business, once again I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 409 AND S. 1207

Mr. BAKER. Mr. President, the distinguished minority leader is necessarily absent from the floor, but I have communicated with him and have his approval, I believe, for the request I am about to put. We consulted during the opening moments of the session today, and then our staffs have consulted since that time and appear to have this arrangement worked out to

the mutual satisfaction of both sides of the aisle.

Mr. President, I ask unanimous consent that the majority leader, after first consulting with the minority leader, may proceed to the consideration of House Joint Resolution 409, the continuing resolution, for the purpose of making opening statements and general debate, and at that time S. 1207, the NRC authorization bill, may be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I observe that the distinguished chairman of the Appropriations Committee is in the Chamber, as is the distinguished ranking minority member, and I assume that they are prepared now to proceed with the consideration of the continuing resolution.

Before they do so, however, may I announce that we have now an order for the Senate to convene tomorrow at 9:30 a.m., and that it is the intention of the leadership to ask the Senate to resume consideration of the NRC authorization bill at 10 o'clock. We do not now have an order for that, but I will attempt to gain consent for that procedure a little later. But in any event, Senators should be on notice that at approximately 10 o'clock the leadership will ask the Senate to resume consideration of S. 1207, the NRC authorization bill.

I also intend, as soon as we can clear this request, to ask unanimous consent that any rollcall votes on any amendments that may be ordered prior to 2 o'clock will be stacked and occur at 2:10 p.m., providing 10 minutes, to be divided in an appropriate way, for an explanation of the ensuing procedure, and then for final disposition on the vote on any amendments that may be ordered and on passage if the same is required.

After the disposition of the NRC bill and after the intervening technical moves in the nature of the consideration of the House bill or postponing other measures indefinitely, the Senate will resume consideration of the continuing resolution.

With that general overview, Mr. President, of how the leadership hopes that the Senate will proceed with this matter, I wish to express my appreciation to the Senator from Oregon for his willingness to proceed with the continuing resolution at this point, and my appreciation as well to the Senator from Wisconsin.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

FURTHER CONTINUING APPROPRIATIONS, 1982

Mr. BAKER. Mr. President, under the order entered, I ask that the Chair lay before the Senate House Joint Resolution 409, the continuing resolution.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 409), making further continuing appropriations for the fiscal year 1982.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, the measure now before the Senate simply extends the date of the existing continuing resolution to September 30, 1982, into this fiscal year.

When we took final action on the existing continuing resolution in December 10, appropriation bills had yet to be signed into law and had to be covered by that measure.

The resolution that we have before us today will extend funding for only three: Commerce-Justice-Judiciary (H.R. 4169), Treasury-Postal Service (H.R. 4121), and Labor-Health and Human Resources-Education (H.R. 4560). All three of these bills, as I say, will be covered by this particular extension.

Mr. President, I am not happy that I have the duty to recommend to the Senate that we again pass a continuing resolution, but we must do so, having failed to enact these regular appropriation bills. I would much rather have the Senate consider the three bills which this continuing resolution covers, but because of the problems of Senate scheduling, threat of legislative riders and our inability to make final budgetary decisions for decisions for fiscal year 1982, this goal seems less and less likely. We then must act on this continuing resolution, and act by Wednesday of this week, or else again hazard massive interruptions of the Federal Government, needlessly costing tens of millions of taxpayers' dollars. For this reason, I strongly urge my colleagues to refrain from offering any amendments to this measure. This will avoid unnecessarily prolonged debate of this simple measure; and, furthermore, will not preclude any Senator from seeking action on their proposals or their amendments or their riders when we take up the urgent supplemental appropriations bill.

I expect that that measure will come before the Senate either later this week or certainly very soon after the recess.

Mr. President, I want to put the Senate on due notice that I shall probably move to table any amendment regardless of the amendment's merits or anything concerning the amendment as to its substance.

I do not believe that we can risk the opening of Pandora's box with the acceptance of any amendment on the continuing resolution, because once we do that, all Senators have equal rights and we will be getting into abortion, school prayer, busing, and all the other things that have traditionally been loaded onto the continuing resolution or the appropriations bill.

Mr. LONG. Will the Senator yield for a question at that point?

Mr. HATFIELD. Yes, I yield.

Mr. LONG. Is the Senator speaking of tabling all nongermane amendments or is he speaking of tabling all amendments, period?

I should think that a Senator who would want to change a figure in the bill with a germane amendment—

Mr. HATFIELD. I draw a distinction with respect to any amendment which is necessary to deal with the bill technically; but any amendment that, in effect, seeks to piggyback, in a sense, on this vehicle is the kind of amendment I will resist strenuously.

Mr. LONG. I am speaking now of germane amendments. I am not talking about adding an appropriation amendment to the bill. I am talking about an amendment that is clearly within the rules and the usual tradition, to make a change in the appropriation, to add or subtract some money for a given function. Is the Senator planning to move to table such amendments that are clearly germane and within the usual practice?

Mr. HATFIELD. I say to the Senator that I will move to table any amendment that will require us to go to conference with the House before Wednesday night and report back to the respective bodies. I think we can handle technical amendments, but I shall resist any amendment of substance that would require us to go to conference.

I say to the Senator that, again, this does not foreclose amendments being offered to the urgent supplemental; and the urgent supplemental appropriations bill is not without its own timeframe as well.

I must be very forthright with the Senator. We have added the word "urgent" to it because there are dates of expiration that it covers in terms of certain programs. So it is not as if we were just going to take up this supplemental and let it drag on and on. Whatever urgency there is to amendments can be added to another vehicle—namely, the urgent supplemental appropriation.

If we get this extension, we will not go to conference, and we can put it on the President's desk; and we will not get into one of these midnight sessions or a situation in which we have to stop the hands on the clock, which I do not think is sound legislative procedure.

Mr. LONG. The Senator from Louisiana merely wants to obtain the un-

derstanding of the manager of the bill, the chairman of the committee, that the other 98 Senators in this body should not be precluded from offering amendments to legislation and that proper legislative procedure is that at some point we have the opportunity to offer whatever amendments we wish to offer.

I hope that is what the Senator has in mind; because if they cooperate in this, I hope there will be a bill some time not too far in the future on which we will have the opportunity to offer any amendments we want to offer.

Mr. HATFIELD. The Senator is correct. We have an opportunity down the road. I am saying that this vehicle, considering the time constraints we are under—having to act before midnight on Wednesday—is not one we can reasonably be expected to handle once we open that Pandora's box to amendments.

Every Senator has an equal right to offer an amendment. Therefore, I shall resist the first one and any others that come along thereafter, because we have another vehicle coming down the track very soon on which we can consider those amendments by any Senator.

This in no way precludes a Senator from offering an amendment to this continuing resolution. I merely put the Senate on notice that, as chairman of the Appropriations Committee, I have a responsibility to try to get this measure acted upon within the time frame that has been created not by my design or by the committee's design; but here we are, and that is the situation we are in, and I have to deal with the reality of this situation.

Mr. LONG. Can the Senator tell us when we will have the opportunity to offer amendments to an appropriations bill, if we go along with the procedure he has recommended to us?

Mr. HATFIELD. The House will have the urgent supplemental on the floor this week. Our committee is ready to meet at any moment we can get it over to this side and deal with the urgent supplemental and get it back to the floor, to be acted upon and be subject to amendments.

As I indicated in my opening remarks, I expect that that could happen before the recess, but I want to leave the caveat that we do not know how many amendments will be discussed in the committee. So if it is not before the recess, it will be immediately thereafter.

I want to add one further matter. I have a letter of March 29 from Mr. David Stockman, in which he says:

The administration supports a simple extension of the continuing resolution to the end of this fiscal year and would oppose any amendment.

In other words, this has been coordinated as well with the executive branch and the other House. Representative WHITTEN, of Mississippi, who is the chairman of the House Appropriations Committee, devised the two-track system, so to speak, or this two-vehicle system, so that he could send to us, as the House has done, a clean, simple extension, with the timing that the committee reported both of them at the same time to the floor, and assuring me that he will have the other vehicle over here probably next week, so that we will then have the second vehicle.

So this was devised by the House leadership, it has the administration's support, and I believe it is a very reasonable approach. Therefore, it has my support.

Mr. LONG. I thank the Senator. I just feel that those of us who are not on the committee should be accorded the opportunity of having amendments considered on their merits.

I will hold with the understanding that the chairman does intend, at some point in the not-too-distant future, to offer us an opportunity to offer whatever amendments we have.

Mr. HATFIELD. Surely, I appreciate the colloquy with the Senator. As one who has sought to amend legislation, I would not want to preclude that in any way. In fact, I would have no way to preclude any Senator from offering an amendment.

I wanted to put the Senate on notice as to the recommendation I am making, in the hope that we can expedite the matter within the restrictions of time. We have been criticized frequently—and I think rightfully so—that the Senate is put in a position of having to be under a time constraint when many Senators wish to offer amendments. But I say to the Senator from Louisiana again that this is not of our creation. Yet, we have to deal with this as circumstances beyond our control create the situation.

I believe this is the only logical and reasonable way to deal with it and at the same time preserve the opportunity to offer amendments on a vehicle that will be with us very shortly following action on this continuing resolution.

Mr. President, I yield to my colleague, the distinguished ranking minority member of the Committee on Appropriations, the Senator from Wisconsin (Mr. PROXMIER).

Mr. PROXMIER. Mr. President, as the distinguished chairman of the Senate Appropriations Committee has said, the continuing resolution before us today would extend funding for the Departments and agencies included in the State-Justice-Commerce, Labor-HHS-Education, and Treasury-Postal Service appropriations bills.

Without the extension, funding for a number of key Government depart-

ments and agencies will expire at midnight on Wednesday, a little over 48 hours from now.

The resolution consists of a simple date change to provide funding for the entities in question through September 30 of this year—in other words, through the end of fiscal year 1982.

I join the distinguished Senator from Oregon in his regret that we have to have a continuing resolution. It is a shame that we do. There was no way we could obtain action on these appropriation bills individually, and it is unfortunate that we have to provide for them in this continuing resolution for the remainder of the year. It means that Senators will not be able to vote up or down on these bills on their merits, and they are very important bills. The Labor-HHS-Education bill is by far the biggest nonmilitary bill that comes before us, and it is absolutely critical for millions of Americans. We certainly should be able to act on that legislation on its merits. We should have been able to act on it before last October 1, but we all recognize how difficult that would have been.

Mr. President, the second budget resolution for fiscal year 1982 provides sufficient leeway to support the full year costs of Public Law 97-92, the continuing resolution passed last December.

In fact extending the continuing resolution until September 30 does not affect the current level provided for under this budget resolution or change the amount remaining under the resolution.

The current level and amount remaining are as follows:

The second budget resolution provides \$770.9 billion in budget authority and \$695.45 billion in outlays.

The current level is \$757.1 billion in budget authority and \$694.65 billion in outlays, respectively.

So the budget authority provided by the resolution before us is well within the ceiling set by the second budget resolution and the outlays are barely within it.

Mr. President, I have great respect, of course, for both the distinguished Senator from Louisiana and the Senator from Oregon.

As I understand the Senator from Oregon, he will move to table any amendment that comes up that is not strictly technical in nature, although, of course, we have every right to bring up amendments and to argue for them, and he has assured us, as I understand it, that there will be an urgent supplemental that will be available, hopefully this week, and if not, probably the week after we return, certainly very shortly thereafter, on which we will have an opportunity to add amendments that we would ordinarily place on this particular resolution.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEFLIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ANDREWS). Without objection, it is so ordered.

TRIBUTE TO ALICE FINCH LEE

Mr. HEFLIN. Mr. President, today I pay tribute to a very special Alabamian, a fine attorney, and an even finer person, Miss Alice Finch Lee of Monroeville, Ala.

Alice Lee comes from a very distinguished family there in Monroeville. Her father, Amasa Coleman Lee, was an outstanding lawyer, and a long-time partner in the law firm of Barnett, Bugg & Lee. Her sister, Nell Harper Lee, is better known to the public as Harper Lee, author of the great literary classic, "To Kill a Mockingbird."

Still, as a part of this very distinguished family, Alice Lee has more than held her own, and earned her own measure of distinction. After attending Huntingdon College in Montgomery, she came home to work for the Monroe Journal, a family-owned newspaper. After 8 years of work on the newspaper, Alice moved to Birmingham where she worked for the Internal Revenue Service while going to school at night. After attending the University of Alabama Extension Center and the Birmingham School of Law, Alice passed the bar, and returned to Monroeville to practice with her father's firm.

Alice Lee built her own reputation as an attorney in Monroeville, although it would have been easy to merely rest on the laurels her father had earned. Her reputation, however, has not been built entirely in matters of the law, although she has been a true credit to the legal profession. Much of her life has been and still is, spent in work for the Methodist Church. She was the first woman to lead the administrative board of her hometown church, and the first woman chairman of the Alabama-West Florida Council on Ministries of the Methodist Church. Alice was the leader of the lay delegation to the Methodist General Conference in Indianapolis in 1980, and now heads one district committee while serving on the board of pensions.

I have had the honor of being a friend of Alice's for many years, and I hope that there are still many years to go in our friendship. Alice has led a very dedicated, fulfilling life, and remains a true joy to all who know her.

Mr. President, I ask unanimous consent that an article from the Birming-

ham News about Alice Finch Lee be reprinted in the CONGRESSIONAL RECORD.

Thank you, Mr. President.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Birmingham News, Feb. 5, 1982]

ALICE LEE'S LIFE IN LAW HAS GIVEN HER SATISFACTION AKIN TO HER NOTED SISTER'S
(By Clarke Stallworth)

This woman came to me and said she wanted a divorce. Now I get divorces for people, but I don't much believe in divorce. I knew that her husband drank a lot and I knew she had put up with him for a long time. I asked the lady to let it ride for a few days and she wouldn't agree, she wanted that divorce right then.

So I asked her to send him in to see me. And he came in and said: Miss Alice, I love my family. I love my wife. I love my children. I know I have promised in the past to quit drinking and I know I've let her down every time. But this time, I'm going to quit.

I told him I didn't know if I could talk his wife into staying with him or not, but would he promise to take his wife and go into the church? He said he would do anything in the world to keep his family together.

His wife came back to see me, and I asked her to give him one more chance. She didn't want to. She said it would be just like the other times. Well I said, let's set a deadline. If things are no better by then, come back and see me and I'll get your divorce.

Well, things rocked on, and she didn't come back to see me. A year went by, and they built another house. He joined her church, the whole family worshipped together, and they helped him.

One chilly afternoon during the Christmas holidays, I was out walking and I passed by their house. The door flew open and the man walked out. He said: I want to thank you for something. We have a good family life now and our children are growing up in a good family, and I owe it to you. If you hadn't talked my wife into giving me one more chance, we wouldn't be where we are today.

I told him I didn't do it, that he had done it himself. But I told him if he thought I had helped him, I was glad, it made me feel good all over. I was much more proud of him and his family than any fee for a divorce.

The gray-haired woman sat in her law office and talked about her life in Monroeville.

Alice Finch Lee graduated from high school in 1929 and went to college at Huntingdon in Montgomery. But the depression hit hard, and she came home to work.

She and her father and his nephew bought into The Monroe Journal, a weekly newspaper in Monroeville.

Her father, who was a lawyer, edited the newspaper and young Alice Lee wrote stories and read proof and helped out with the job printing.

"Life was not filled with interesting stories, it was filled with where was your next meal coming from," she said, sitting in her law office over the bank. "Banks were closing, times were tough."

She worked on the newspaper until 1937, when she came to Birmingham and went to work with the Internal Revenue Service. At night she went to the University of Alabama Extension Center. And then she decided to become a lawyer, attending classes in the Birmingham School of Law in the

courtrooms at the Jefferson County Courthouse.

She finished law school, passed the bar, and her father—Amasa Coleman Lee—invited her back to Monroeville to practice with him.

I had to answer two questions. If you grow up in a little town, you're always Mr. Lee's little girl. Would I have an identity as Alice Lee, or would I be Mr. Lee's little girl? My father felt I had been gone long enough for people to accept me for myself when I came back.

And the second question was: How would people in a rural area react to a woman in the law? My father was a very gentle person and a wise person. He smiled when I voiced this question and said: You'll never know until you try it.

I came home in January of 1944 and have been here since, and I have never felt any degree of discrimination in my profession. Not from the judges who sat here, or the lawyers who practiced here.

They accepted me as another lawyer, and I think that says something about the community and the people here. But my father was a beloved person here, and the fact that I was his daughter . . . Well, his reputation probably made it easier for me.

Amasa Coleman Lee. As a lawyer, he entered the firm of Barnett, Bugg and Lee and remained a partner in the firm until his death in April of 1962.

When he died, there was a front page article in The New York Times. The article said that Nell Harper Lee (Harper Lee, author of *To Kill a Mockingbird*) had said the qualities she put into the character of Atticus Finch were qualities she had known and admired in her father.

But except for that, there was no biographical material there. It's difficult to make people accept the fact that the book was not literal. We had a change of ministry in our church, and the minister came to my office.

He wanted me to tell him the year of the trial (in the novel). He said he wanted to go down to the newspaper office and read about it. And I had to say there was no trial. He really was upset. How could anyone write so convincingly about something that never happened? Well, I told him, my sister's an author and we're not.

One lady came to my office and said: I'm so glad Nell Harper put so and so in the book. I asked her which character she was talking about. She told me which one, and I asked her: What makes you think she was the model for that character?

Because, she told me, that character used an expression my aunt used all the time. I had to tell her that Nell Harper never knew her aunt, and therefore could not have used her as a model.

People have to understand that everything about the book belongs to Nell Harper, and none of it belongs to Alice Lee. I am extremely proud of my sister, and we are not competitive.

Even after 20 years, there are still telephone calls through the day and the evening when I'm at home . . . people wanting information about her, wanting to get in touch with her. There's been some invasion of privacy of my whole family, but I guess that's just a by-product of what happened.

My sister spends a great deal of time in Alabama. She was here at Christmas time, and spent a couple of months with my other sister. We are very close as three sisters. I guess you just go about your business and try to detach yourself from anything not part of your life.

Much of Alice Lee's life is spent in work for the Methodist church. She was the first woman to be head of the administrative board of her hometown Methodist church, and the first woman to chair the Alabama-West Florida Council on Ministries of the Methodist Church.

She led the lay Methodist delegation to the general conference in Indianapolis in 1980. She now heads the district committee on superintendency, and serves as a member of the board of pensions.

Last year, she spent about three months on church work, and she's already scheduling her church work for next year.

"I was reared in a home where the church was part of the way of life in that home," she said. "It's a very satisfying thing, personally, to make that kind of commitment to the church."

She said she has given up handling cases on a court calendar. "I cannot conform the court calendar to my church calendar."

So now she is handling things like loan closings, land bank loans, title searches, and other civil matters.

She handled one criminal case, long ago, and she remembers that her client was found guilty and sent to jail.

"He and this man had an argument, and my client went home and got his gun and came back and shot him," she said. "I really didn't have much to work with. But I felt that he deserved the best defense he could have. If you know a client is guilty, there still might be mitigating circumstances that might alter the degree of guilt."

She is the only member of Barnett, Bugg and Lee right now. But the grandson of J. B. Barnett, the original member of the firm, probably is coming back to the firm. John Barnett III is in Cumberland Law School and should graduate in 1983, she said.

"I have told him: John here it is, all waiting for you. It's part of the history of this county, and I love history."

And retirement?

"I'm not worried about retirement. I can't knit, I can't sew, I can't do handwork. I have worked all my life and never had time to do these things. But there are lots of unread things that must just be marvelous. If my sight holds out, I'm going to read some of those books I never got around to."

"I'm just going to have a great time. I've enjoyed all aspects of life, and retirement will just be another aspect, and I expect to enjoy it."

"I've had a great life. It hasn't been an exciting life, from the viewpoint of those who like action, but it's been a fulfilling experience. If I did it over again, it probably wouldn't be a bit different."

AGRICULTURE—AMERICA'S ACE IN THE HOLE

Mr. HEFLIN. Mr. President, Goodwin Myrick, president of the Alabama Farm Bureau Federation has prepared a statement in the form of a speech entitled "Agriculture—America's Ace in the Hole" which represents the views of the members of the Alabama Farm Bureau relative to the plight of agriculture and related issues today. I ask unanimous consent that this statement by Hon. Goodwin Myrick be printed in the CONGRESSIONAL RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

AGRICULTURE—AMERICA'S ACE IN THE HOLE

When the United States is described as a world superpower, the reference is typically to military superiority. Actually, the superpower label could just as accurately be applied to agriculture.

Last year, for example, U.S. farmers harvested almost twice as much grain from half the number of acres harvested in the Soviet Union.

In other words, the U.S. gathered 81 million more tons of grain on 138 million fewer acres. But what is most incredible about this comparison is the fact that Soviet production was achieved with a work force of 27 million, while the superior U.S. production required a scant 3.7 million workers.

Achievements like this demonstrate the truly remarkable production efficiency of the American farmer—an efficiency that is unparalleled in the world. And the amazing performance is magnified many times over when you consider the minute size of the farmer population. Agriculture is America's Ace in the Hole.

Farm population in the U.S. stands now at just over 6 million—a mere 2.7 percent of the total population.

In fact, since 1976, over 500,000 have given up farming for a living. Alabama alone has lost over 5,000 farms in just the last three years.

Why the great exodus from America's most vital industry? Well, simply expressed, it's become extremely difficult to realize a profit in farming. And as we all know, you must have a profit to stay in business.

Generally, the prices the farmer receives for his products hardly compensate for his skyrocketing production costs. Why, just from 1979 to 1980, farmers were dealt a 21 percent rise in energy costs, a 20 percent rise in interest expenses, a 10 percent rise in farm services and a 12 percent rise in feed outlays.

All told, the Consumer Price Index for the 11 month period ending May, 1980, revealed that prices paid by farmers were up 10.4 percent, while prices received by farmers were down 7 percent.

Let's zero in closer on the current farm economic situation. In 1980—for the first time in history—total production expenses exceeded total cash receipts in Alabama. Average income per farm climbed to nearly \$10,000 in 1979 but dropped over 50 percent in 1980 to less than \$4,500. This is the lowest average since 1972, and lower than any year in the last two decades after adjusting for inflation.

Let's consider for a moment the cost of getting into farming, and you will see that it is prohibitive. There aren't many folks replacing those going out of business. Inheriting the land and equipment is virtually the only way a young person today can begin tilling the soil. The U.S. Department of Agriculture estimates the average investment per farm including land, machinery, crop and livestock inventory is \$355,000. At today's terms, interest rates are about triple the investment rate of return to the farm.

Finally, during the past four years, total farm indebtedness in Alabama increased 60 percent from \$1.1 billion to \$1.8 billion.

But what does all of this mean? For one thing, it means that despite these adverse economic conditions, the 2.7 percent of the population that farms is still feeding and clothing the remaining 97.3 percent in America, as well as millions of others

around the world. Just since 1960, the number of persons fed by each farm worker has increased from 26 to 68.

The bottom line . . . while U.S. and world food consumption ever increases, and farm population ever decreases, today's farmer has had to become a much better manager and much more efficient than his predecessors.

The American farmer is definitely up to the task. Let's explore the farmer's incredible efficiency further.

In the years 1975-1979, productivity growth in the farm sector registered at 6.3 percent—almost five times greater than the productivity growth for non-farm business.

Our six million farmers supply 45 percent of the wheat, 70 percent of the feed grains and over 60 percent of the soybeans in world markets.

Certainly we're all aware that food prices have been on the increase in recent years. What hasn't? But when you consider the facts, food is still a good buy in this country.

Americans spend only 16 percent of their disposable income for food while in China, 60 percent goes for food and in Russia it's 34 percent of disposable income and 23 percent in Japan.

The Consumer Price Index for the 12 month period ending May 31, 1980, which showed an overall 14.4 percent rise in consumer expenses, revealed that grocery prices rose only 5.6 percent, while energy costs were up 39.3 percent, home financing, taxes and insurance, 34.5 percent, and medical care, 11.5 percent.

On the average, the farmer will receive approximately 5.7 cents of the dollar for producing all of the raw material in the food you buy. The rest of what you spend will go to labor, transportation, processing, storing, brokering, inspecting, selling, taxes and the profits to each of these links in the chain. So you can see where your grocery money goes.

Because a wide variety of high quality food is available in the U.S. at reasonable prices, a large part of our income is left to buy other necessities . . . as well as luxuries. Thus agriculture makes a major contribution to the nation's affluence.

It's important to note that a healthy, viable agriculture benefits all Americans—not just farmers. Its contributions to the progress and economic well-being of this nation are many.

Consider, for example:

U.S. agricultural exports totaled over \$40 billion in 1980, providing a record \$18 billion food trade surplus to help offset an overall balance of trade that would otherwise be billions of dollars in the red. Japan—another leading industrial nation—suffered a negative \$13 billion food trade balance, and the Soviet Union had an \$8 billion deficit. Alabama's agricultural exports for 1980 totaled \$480 million.

Twenty-three million people, one-fifth of the nation's labor force, are employed as a direct result of agriculture which accounts for a full 20 percent of the nation's gross national product.

In conclusion, let me say that farmers accept with great pride the responsibility to feed and clothe the people of this nation and millions of others around the world.

As I have pointed out to you in the past few minutes, America's farmers have overcome devastating economic conditions to attain a level of efficiency that has made America an agricultural superpower.

But how long can the farmer continue at this level when it's becoming more and more

difficult to realize a profit? Not forever. That's for sure. Farmers, like any other businessmen, must realize a reasonable profit to survive.

And if the American farmer doesn't survive, where does that leave us? We certainly can't depend on other countries to supply our food because it is they who depend on us.

But I am an optimist when it comes to agriculture. We've had some tough years in Alabama with drought, high energy costs, embargoes, and interest rates, but the years ahead look good for agriculture as we strive to realize our full potential. America's agricultural strength is just as mighty as the sword. Agriculture is truly America's Ace in the Hole. And I believe the farmer holds that ace.

With consumer support and understanding of the farmer's needs, we can keep farmers farming.

Now, with this situation in mind we would like to make some specific recommendations which we believe will contribute substantially to improved net farm income. They are as follows:

INTEREST RATES AND THE FEDERAL DEFICIT

Farmers are suffering even more than other sectors of the economy from high interest rates. By the very nature of the farm economy we are credit dependent and have no recourse except to pay high interest rates from meager profits. Today even last resort "low cost" government loans cost us 14.875% interest under new government policies. It is critical that interest rates be brought down to avoid widespread economic disaster.

Today 13¢ of every Federal budget dollar is paid in interest (almost half as much as the share that goes to national defense). This is an appalling and frightening situation. As long as the government is competing on a large scale with private borrowers for a fixed supply of money, interest will remain high.

The Administration is anticipating a big drop in interest rates during the next few months. If this fails to materialize, Congress will be under mounting pressure to take action, probably by raising taxes to reduce the Federal deficit.

We urge the Administration and the Congress to give the Federal deficit top priority and to make every effort to bring it under control. The requirement that the Federal government borrow heavily from the existing money supply coupled with the tight money policies of the Federal Reserve Board has resulted in a protracted period of high interest rates which exceed any anticipated or potential profit for agriculture. We recognize the economic realities and consequences of continued large money supplies and unlimited Federal borrowing. However, we also view the consequences of economic stagnation caused by high interest rates as equally dangerous and disruptive to the normal commerce of the nation. We therefore recommend a long term policy of gradual and moderate reductions in the money supply. Reduction in unnecessary Federal spending in all areas of the budget and an immediate reduction in interest rates to a point where ordinary businesses can again begin to generate profits, create employment and pay reasonable taxes.

FARM DEBT

In 1981, total farm debt in the U.S. stood at \$175 billion, an increase of 329% since 1970. It is projected to reach \$194.5 billion in 1982.

Skyrocketing production costs and deflating land values have led to a deterioration of the equity position of the farm sector forcing more farmers into government loan programs, where they now find their position further jeopardized by tight fiscal policy and high interest rates. It is anticipated that many farmers may be squeezed out of business as they are no longer able to borrow sufficiently to stay in production, even if they were able to pay the current high interest rates. With farm income at the lowest level since the Depression, many farmers are having great difficulty meeting their current obligations.

Budget control initiatives are producing pressure on FmHA to hold delinquency rates down, by foreclosure if necessary. We commend the Alabama FmHA office for its insistence on evaluating each distressed farmer's case individually.

Administration officials are resisting the release of \$600 million in authorized Economic Emergency funds.

We urge FmHA to carry out its stated intention to stand by the farmers of this nation during the current economic crisis. We insist that all reasonable measures, including delays in repayment of loans if necessary, be taken to avoid foreclosure or forced liquidation of farmers in difficulty due to economic factors beyond their control. We are relying on FmHA and the Administration to act in good faith toward the farm community during this difficult period to insure that viable producers have an opportunity to remain in business.

We strongly advocate release of the Economic Emergency funds to avert potential economic disaster.

FLEXIBLE SUPPLY MANAGEMENT

We have seen the formation of large surpluses and exorbitant carryover stocks of wheat, feed grains, cotton, rice and soybeans which have resulted in almost total deterioration of world prices for these products.

World prices are a major factor determining domestic farm prices. American farmers export over half their production of wheat, soybeans and cotton and are the largest suppliers of food and fiber in the world market.

The Administration has exercised its authority for set-asides as provided in the Food and Agriculture Act of 1981. However, we question the net effect of the program as currently applied. It appears that the major effect of the present set-asides will be to obviate budgetary exposure rather than a real effort to control supply.

We believe the ultimate solutions to the continued economic crisis in agriculture is improved prices discovered in the marketplace. USDA should establish as its primary goal improved markets and profitable domestic and world prices for American agricultural commodities.

We urge the Administration to pursue a bold policy of flexible supply management as part of its program to improve the economic situation of the farm economy and that of the nation. Two specific requirements must be met before such a policy can be implemented: (1) More accurate estimates of supply and realistic estimate for domestic and world demand must be compiled; and (2) Supply management policy must aim to achieve significant adjustment of actual production, rather than in acreage alone. Producers should be provided economic incentives to implement supply management options to achieve the national supply reduction goals.

National production should be established at a level that will have a significant impact

on world markets. We believe these policies would help to end the depression of world prices caused by past cheap food policies and allow world market forces to establish stronger prices—a true free market. The long run effect of this policy would be to benefit the world economy and help alleviate the problems of hunger by discouraging Western nations from subsidizing their farmers and thus creating artificial trade barriers, and by providing a stimulus to agricultural development in Third World nations.

FUNDING CCC REVOLVING FUND—PL 9298, TITLE XII, SECTION 1201

The 1981 Food and Agriculture Act authorized formation of a revolving export credit fund to boost export sales of U.S. farm products. No appropriation has been authorized for the fund. Once funded, it would not require additional appropriations since loan and interest repayments would replace the initial capital.

Budgetary considerations make funding politically difficult. New appropriations for new programs will have little success in the 1982 sessions.

EMBARGO PROTECTION

We commend the Congress for recognizing the necessity to protect farmers from the threat of agricultural embargoes and for including this provision in the Food and Agriculture Act of 1981. Experience has shown that agricultural embargoes do not achieve the intended policy goals and serve only to damage American farmers.

Current policy regarding Poland and the Soviet Union has had the effect of a defacto embargo on agriculture. Each statement of the Secretary of State or another responsible official sends deep shock waves into the agricultural markets.

There is a great political temptation as well as pressure from many quarters to use agricultural embargoes, despite their demonstrated ineffectiveness, as a punitive measure against aggressor nations or repressive regimes. We have seen this year that even the hint of an embargo can have the effect of dampening prices while achieving nothing in terms of policy initiatives.

We are unequivocally opposed to any further moves to embargo American products in any foreign markets so long as farmers are encouraged to produce at maximum levels. We are further opposed to any inadvertent manipulation of agricultural markets by statements issued by officials of our government. All statements should be weighed for this effect.

We are opposed to opening American markets to foreign agricultural products for foreign policy reasons until all adverse impacts upon American producers are weighed and proper protections applied.

USER FEES

The Administration is proposing "user fees" to cover the costs of construction, maintenance, and operation of the nation's rivers for transportation purposes, under the fallacious assumption that the fees would be paid by importing nations, not by the actual user.

Senator Abdnor of South Dakota and Rep. Richard Roe, Democrat from New Jersey, are holding hearings into various formulas for collecting fees at the present time. James Tolar and John Sharp have testified on behalf of Farm Bureau before a subcommittee field hearing held by Senators Abdnor and Denton. Proposals are also being made to assess user fees to CFTC

transactions, and in other programs in agriculture.

The pressure to find some equitable method of charging user fees will be an issue in this session of Congress. There will be some compromise on the "full recovery" objective of the Administration.

We oppose user fees which will increase the cost of producing and marketing our products. We contend that under present economic conditions the farmers would pay the fees not only to ship his products on the rivers, but also the fees for fertilizer, fuel and chemicals shipped on the system, resulting in double taxation.

INLAND WATERWAY AND PORT DEVELOPMENT

Southwestern agriculture needs improved access to river transport and port facilities in order to take full advantage of domestic and foreign market opportunities. When completed, the Tennessee-Tombigbee Waterway will shorten by several hundred miles the barge distance between Mobile and numerous inland trading centers, linking the Tennessee River system with the Mississippi system. It will significantly improve access by farmers in the Southeast to export markets and reduce regional transportation costs for farm products. The benefits to be realized by the region in new revenue, new industries, and new jobs are enormous.

The Tennessee-Tombigbee is now nearly 70% complete and additional study is underway of other waterway development opportunities. Funding for the Tenn-Tom and other existing projects as well as for further feasibility studies is in jeopardy.

Support for funding waterway and port development does not constitute pork barrel politics. The development of critical elements in the nation's navigable waterway system and of its important commercial ports has been delayed by a wide variety of parochial interests represented by environmentalists, railroads, and sectional and regional legislative coalitions. In particular the Tennessee-Tombigbee River system and the Port of Mobile have been a target for these unwarranted attacks.

The development of these systems and adequate modern port facilities in Southern ports is not favored by some. This, coupled with budget considerations cited earlier, makes funding for these projects a delicate and uncertain matter.

We urge approval of the appropriations to complete the Tennessee-Tombigbee Waterway. To deny funds for its completion at this point would be short-sighted and economically unjustifiable.

We favor opening the Coosa-Alabama waterway to barge traffic north of Montgomery through dredging and construction of locks on existing dams in the system for the reasons cited above. We favor development of the Chattahoochee-Flint-Appalachicola (Tri-Rivers) system to provide year-round access to river transport for farm products.

We support passage of Senate Bill 828 which would expedite development in Norfolk, Mobile and New Orleans of deep draft (55 ft.) channels.

RESEARCH AND EXTENSION—TITLE XIV—EFFORTS TO REDUCE BUDGETS FOR AGRICULTURAL EXTENSION

Over the past decade funding for agricultural research and extension has been severely cut in terms of real dollars. We commend the Administration for recognizing the importance of research and extension and recommending increased funding.

There are the same budgetary combinations in this issue as in all other areas where funding is involved. Urge your congressmen to stand firm on proposed research and extension budgets.

Agricultural research provides the foundation for the support and advancement of the science of crop and livestock production in this nation. Government involvement in expanded agricultural research represents the best investment in the future prosperity of this nation. We support the efforts of the Administration to direct additional funding into research. The extension of basic research findings to the practitioners of production agriculture represents an integral part of the total research effort and must be maintained. We urge full funding for research and extension.

RESOURCE CONSERVATION

We recognize the dire necessity for protecting the integrity of this nation's greatest resource, its soil. Alabama has some of the most friable, erodible soil in the nation, some of which is also among the nation's most fertile. We believe all of this vulnerable resource must be protected to insure productivity adequate to meet future food needs.

The Administration is proposing cuts in funding for soil and water conservation and directing remaining resources at "priority areas," those most severely eroded. This proposal does not adequately address preventive measures to maintain the future productivity of America's soil resource.

We advocate full funding for soil and water conservation as passed in the 1981 Food and Agriculture Act. We believe it is unwise to remove emphasis and effort from areas of need not designated as "priority."

We advocate local control of soil and water conservation projects with incentives for good stewardship. Government programs may cite regions or areas of concern but planning and implementation should be the responsibility of the individual.

FEDERAL INSECTICIDE FUNGICIDE RODENTICIDE ACT (FIFRA) REAUTHORIZATION

Administration of this legislation has been inept and has not accomplished many of the stated purposes of the Act. Valuable agricultural chemicals have been removed from use based upon unreliable and unscientific data. Research and development of new and effective pesticides has been impeded by unrealistic regulations, reporting procedures, and exorbitant costs imposed by the labeling process. Yet the systematic scientific screening of basic pesticide ingredients is so far behind schedule that there is no reasonable prospect for completion.

Public fear over pesticides and their effect on the environment has been exaggerated but has the effect of developing large popular support for rigid controls. A shift in these opinions is not easily achieved.

Reauthorization and revision of FIFRA should shift the basic responsibility for preliminary screening, establishment of effectiveness and designation of uses to the scientists in the Department of Agriculture. The Secretary of Agriculture should then be empowered to label the formulation.

Simultaneously, the Administrator of the Environmental Protection Agency should develop information relative to the environmental and health aspects of the compound and the portion of the label issued from this agency should evaluate only these considerations.

Final approval and labeling of pesticides should be the responsibility of the Secre-

tary of Agriculture. Enforcement of the conditions on pesticide labels and certification of applicators should be the responsibility of the states with oversight by EPA.

No pesticide should be suspended or banned without adequate scientific evidence. If substantive scientific evidence offered in the process of suspending or banning is subsequently disproved the pesticide should be automatically re-labeled and placed back on the market.

FORESTRY INCENTIVE PROGRAM

We oppose the elimination of funding for the Forestry Incentive Program. The U.S. is now a net importer of forest products, but we have the biological potential to become a net exporter. The Forestry Incentive Program has been effective in achieving its goals; in 1980 in Alabama, FIP was responsible for 62% of all regeneration on non-industrial private forest lands. This kind of incentive is necessary to counteract declining wood supplies in order to meet demand 20 to 30 years in the future and to achieve potential production levels.

CLEAN AIR AND CLEAN WATER

We favor a reasonable, streamlined approach to clean air and clean water legislation with due consideration to cost/benefit analysis of regulations.

INTERNATIONAL EXPORT CONTRACTS

We urge the U.S. government to adopt a policy of honoring all preapproved contracts for commodity sales to a foreign nation in the event an embargo is imposed. This action would reassure foreign buyers that American contracts will be honored and would dispel the image of the U.S. as an unreliable supplier.

STAND-BY AUTHORITY FOR PETROLEUM ALLOCATION

We strongly urge passage of legislation to guarantee priority for agriculture in allocation of fuel in the event of future shortages.

NATURAL GAS DEREGULATION

We are opposed to accelerated decontrol of gas prices since it will result in as much as a 40% increase in the price of fertilizer in the next three years. That increase would add another 15¢ per bushel to production costs of corn and an additional 19¢ per bushel of wheat according to USDA estimates.

TRIBUTE TO EUNICE JENKINS MERRILL

Mr. HEFLIN. Mr. President, today I am honored to rise in recognition of a very special lady from Huntsville, Ala., Mrs. Eunice Jenkins Merrill.

Eunice is a legend of sorts around Huntsville, and her reputation is certainly well-deserved. The reputation grows out of a little restaurant in the old mill section of Huntsville that's known as Eunice's Country Kitchen.

Eunice opened her country kitchen in 1954 and she has been right in the very same location ever since—and she has always done a landslide business. The restaurant is only open for breakfast, from 4:30 in the morning until 1 in the afternoon. There are only 10 tables, and there is often a long wait—but Eunice has no plans for expansion and her customers never seem to mind the wait.

There is another, almost unbelievable, fact about Eunice's—the restaurant has never advertised. The booming business has been built on word of mouth, not to mention the incomparable biscuits, country ham, sausage and bacon, red eye gravy, grits, honey and sorghum molasses.

I will freely admit that I eat at Eunice's every time I possibly can when I am visiting in Huntsville, and I am certainly not alone. Congressmen, Governors, and just about every possible office seeker in Alabama for the last 28 years has been seen eating biscuits at Eunice's at one time or another. After the first trip almost all of them wind up returning—and most end up with Eunice as a friend.

Not only is her restaurant unique, so is Eunice herself. Her father, Joseph Frank Jenkins, was a minister of the Church of Christ for over 50 years in Madison County. Eunice is 1 of 12 children, each of whom was named for a Biblical character. She has stayed busy through the years, not only with working in her restaurant, but by raising three children—Joseph Donald Merrill of Atlanta, Doris Swain of Huntsville, and Linda Sledge of Athens, Ala.

I am not sure exactly what it was that has made Eunice's Country Kitchen so tremendously popular. The good food is certainly a large part of it. The jars of molasses and honey, the kerosene lamps, the oil cloths on the tables—all contribute to an "at home" country atmosphere.

And there is one other part of Eunice's that might serve to attract certain groups. There is one table for six that Eunice calls the "Liar's Table." The sign over the table invites politicians and other barefaced liars to pull up a chair and sit a spell.

I am sure that each of the Members of this body has their own "Eunice's Country Kitchen" in their home State, but I also know that my visits to Huntsville would not be the same without the biscuits, and, more importantly, the friendship that Eunice dishes out at her "Country Kitchen."

Mr. President, I ask unanimous consent that articles on Eunice and her restaurant from the Birmingham News, the Huntsville News, and the Madison County Record be reprinted in the CONGRESSIONAL RECORD, as well as a copy of Eunice's Liar's License.

Thank you, Mr. President.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Birmingham News, Nov. 4, 1980]

EUNICE'S, WHERE THE PLAIN AND POWERFUL MEET TO EAT COUNTRY HAM AND BISCUITS

(By Pat Houtz)

HUNTSVILLE—It's where the elite, and the plain hard-working people, (and also politicians) meet to eat down-home country cookin'.

It won't be described in "Corden Bleu and Barbecue" and it won't be recommended by James Beard.

However, U.S. senators, representatives, governors, farmers, fishermen, housewives and every possible office seeker in the state of Alabama can be seen at one time or another eating country ham and biscuits at Eunice's in the old mill section of Huntsville.

Eunice opened her country kitchen in 1954 and has done a landslide business ever since. There are only 10 tables, and if you want to eat there you often have a long wait—but she has no idea of expanding.

The only thing you can order at Eunice's is breakfast and she starts serving that at 4:30 every morning. She closes shop at 1 p.m.

Officially the restaurant is open every day except Tuesday, but if Eunice wants to see her grandchildren to take a few days off she does not hesitate to put the "Closed" sign up and take off. She knows the customers will be there when she gets back.

"We get lots of politicians and we have a lot of fun with them. Gov. James has been here and U.S. Sen. Howell Heflin comes here every time he is in Huntsville—Ronnie Flippo does too.

"Chip Carter comes when he is here and Sen. Don Stewart and little Jim Folsom have been here lots," Eunice (Mrs. Eunice Merrill) says.

"When Mrs. Jeremiah Denton came to Huntsville, this was the only place she stopped as far as I know," the smiling, ever-cheerful hostess said.

Local politicians and news reporters are steady customers at the old-time restaurant.

"Joe Davis (mayor of Huntsville), most of the City Council members and Jimmy Record (chairman of the Madison County Commission) are in here on a weekly basis. We have a lot of fun with them," she says.

Eunice pretends to be neutral as far as politics goes. She seems to be in favor of voting for whatever candidate is on the premises at the time.

"Last week all of those big wheels in the Carter campaign from Washington came to town and they were all in here for breakfast. The local Democrats came in early and put Carter and Mondale signs all over the walls to cheer those people up," she said recently.

"When they were here, in came the head of the Republican Women of Madison County. She told me the signs were OK but that the Republicans were coming to breakfast later in the week, and she wanted those Democrat signs down. They took them down and we had Reagan signs everywhere.

"That was lucky because the next morning I got a call that Mrs. Denton planned to come here and we left the signs up till after she left."

Last week there were no signs up as the election got closer.

Eunice does have an unusual sign, made by a customer, hanging over what she calls the "Liar's Table." The table seats six and is covered with a plastic tablecloth, campaign literature from assorted politicians, bottles of sorghum molasses and honey.

The sign reads, "Wimmen, biznesfolk and preachers welcome, Iffen you don't lie, yur welcom anyways." The other side of the sign reads "Politishins, fisherfolk and nary other barefaced liars, pull up a chere and set a spell."

The Liar's Table is always occupied. Breakfast at Eunice's is the same every day—and never seems to bore the faithful customers.

She serves eggs any style, biscuits that have no equal, country ham, sausages, bacon, red eye gravy, milk gravy, grits, honey and sorghum molasses.

There are two distinct types of customers. From Monday at 4:30 a.m. until she closes on Friday afternoon the crowd is about 95 percent local Huntsville people. Most of them longtime residents of the city. The restaurant has never advertised.

On weekends the newcomers to Huntsville, people who work at NASA and Redstone Arsenal, line up for hours to get a sample of the country cooking. And they bring their friends and relatives from every part of the country.

Another interesting guest recently was the last member (by name) of the "Jim Beam" whiskey-producing family of Kentucky.

"There were eight of the Jim Beam group. They were visiting people in Huntsville who wanted them to see this place. They called ahead but I don't take reservations and they had to stand awhile, but they didn't seem to mind—and they seemed to really enjoy the ham and biscuits," Eunice said.

No need to dress up to eat breakfast at the restaurant. A coat, tie or vest will make you look, and feel, out of place. It's a spot for jeans and a comfortable old shirt.

"We know people like the ham and biscuits, but I think the best thing they like is the fact that we have a lot of fun here," Eunice says.

One of her faithful customers agrees. "I eat so much when I go to Eunice's that I am dizzy for two days—but I'll never stop going there. If I did, I wouldn't know what was going on in Huntsville," she said.

[From the Huntsville News, Nov. 15, 1976]

EUNICE AND THE SIMPLE LIFE

(By Billy Joe Cooley)

There's no place like Eunice's Restaurant out on Andrew Jackson Way when it comes to keeping up with whatever one wants to keep up with. Politicians, public workers, fishermen and other liars swap yarns and generally impress each other daily while sipping coffee and eating fine Tennessee ham at the establishment.

And there's Eunice herself, a legend in Huntsville for the last 20 or 30 years.

"Hey, hi, how y'all," she greets customers as they enter. Then comes a barrage of questions about the wife and kids, crops, water levels and anything else she is interested in learning from the clientele.

We made one of our irregular visits to Eunice's the other morning and it was as though we'd never missed a day. When the hot biscuits, sorghum molasses, honey and butter are plunked down as complements to the breakfast, Eunice swooshes over in her dress, proud as a peacock and just as colorful.

"Look here at the sack of pecans one of my customers brought in," she coos, holding up a handful of tinier-than-ordinary pecans. "They ain't very big, but they sure are flavorful." Her commentary is interrupted by three men entering, dressed in work clothes.

"Hello, Pepsi Cola boys," she greets. "Grab a seat and don't miss your messages under the ash tray there. Y'all have a bunch of orders today."

A couple of city detectives and three health department officers look up to nod to the new arrivals.

Eunice opens her restaurant at 4:30 a.m. every day and closes "around 1 or 2. I don't open at all on Wednesday, but I do on Sat-

urdays and Sundays." She doesn't particularly care to bother with dinners.

"Breakfasts and lunch is all I serve," the genial Eunice says, giving the listener the feeling that evening meals are a waste of time.

Eunice, by virtue of her restaurant being the gathering spot for such a wide variety of people whose business it is to stay on top of things around town, possesses a wealth of knowledge on just about any subject.

"There's this one lady who comes in here about once a week, just to sit back there, drink coffee and observe the different characters that come by," she laughs.

A taste of Huntsville, history is likely to accompany breakfast, especially if Eunice has time to sit and chat a spell. She loves to brag on her hams and biscuits while dropping names of some of her favorite customers as they come through the doors.

Eunice's Restaurant is home . . . and an experience.

[From the Madison County Record, June 17, 1981]

AUNT EUNICE IS A LEGEND HERE

(By Betty Smith)

Aunt Eunice, famous for her country style breakfast, greets guest of her country kitchen with a cheerful smile and often a hug.

Aunt Eunice, as she is fondly called by the guests who frequent her establishment, has been in the restaurant business in Huntsville probably longer than any other restaurant in Huntsville.

Eunice's has been open in the same location, 1004 Andrew Jackson Way, for 29 years.

It is a spot where the elite as well as the hard working laborer gather for breakfast. The ditch-digger gets the same warm greeting as the Governor when he walks through the door at Aunt Eunice's.

Seldom does a politician come to this area that he doesn't eat breakfast at Aunt Eunice's.

Such notables as Chip Carter, son of our former President, Gov. Fob James, U.S. Senator Howell Heflin, Donald Stewart, Little Jim Folsom and Mrs. Jeremiah Denton frequent the restaurant when in our area. They often sit at the table in the center of the room, designated as the "liar's table" to indulge in the breakfast of country ham, homemade biscuits and sorghum molasses.

A sign hanging over the "liar's table" reads: "Liar's Table, Wimmens, Biznezfolk and Preechers welcome, Iffen U don't li you welcum ennyways. A turn of the sign and the table is ready for another class of liars. It reads, "Liar's Table, Politichins, Fisherfolk 'n ary other barefaced liars, Pull up a chere 'n set a spell." Incidentally Aunt Eunice declares the fish caught this spring have been bigger and better than any year she can recall and it has got to be fact, she got it straight from "the liar's table."

Another plaque adorning the walls of the small restaurant proclaims, "Our country has the best Politicians money can buy. (a Will Rogers quote).

AUNT EUNICE

Aunt Eunice operates on a philosophy that "tomorrow will be better than today," and it always has been she says. There have been some lean times in Aunt Eunice's life, but the Lord has looked out for this hard-working woman.

Aunt Eunice has reared 3 children as well as working full-time in a business she loves.

The biscuits are made by a recipe she learned from her own mother. Eunice grew up in a family of 12 children in the New Hope community in Madison County.

Eunice teaches the girls that work for her how to make biscuits and they take turns making the delicious concoctions.

She tells of the time when 3 men from Nashville were having breakfast with her. They inquired if there was anyway they could get the recipe for the biscuits. Aunt Eunice told them the only way to get the biscuits was "We have 3 biscuit makers here, just take your pick." The men left without the biscuit recipe or biscuit maker.

I couldn't help but ask Aunt Eunice if she believed the old adage, "The way to a man's heart is through his stomach." She answered, "Very definitely, but now the man will have to have a back strong enough to carry the hams before he will qualify for consideration."

The small restaurant does a landslide business, and Aunt Eunice has no intention of expanding. The decor of the place is strictly country. The ten tables in the establishment are covered in oil cloth. The Sand Mountain molasses and honey are served from the jars right on the table. A kerosene lamp hangs from the wall. It is a real at home feeling.

Mayor Davis, County Commission Chairman Mike Gillespie and members of the Commission are frequent guests.

Customers mingle, discussing politics, fishing, grandchildren, etc. When a customer's coffee cup gets low, it is not uncommon for him to go to the pot to serve himself more coffee and then to walk around the room, warming the cups of the other customers.

Eunice Merrill is the mother of: Mrs. Ray (Doris) Swaim of Harvest; Mrs. Larry (Linda) Sledge of Athens; and a son, Donald Merrill of Montgomery. She has six grandchildren.

EUNICE'S COUNTRY KITCHEN LIAR'S LICENSE

This is to Certify That _____ having by reputation and long practice, coupled with a vivid imagination exhibited all the proper requirements therefor, is hereby empowered to Lie, Prevaricate, and to show every other recklessness with the Truth, considered expedient by him in connection with all matters for current year, subject however to conditions and the state he is in. Lies may be told at any time or place without notice.

In Witness Hereof is attached the Grand Signature of Eunice.

EUNICE.

1006 Andrew Jackson Way NE., Huntsville, Ala. 35801

"YEAR OF THE BIBLE"—SENATE JOINT RESOLUTION 165

Mr. HEFLIN. Mr. President, it is my pleasure to join with Senator ARMSTRONG and several more of my distinguished colleagues in cosponsoring a joint resolution authorizing the President to designate 1983 as a national "Year of the Bible."

I am, indeed, very pleased to have the opportunity to cosponsor this resolution. I have long had very strong and deep personal religious beliefs, and hold a special affection for the Bible. Throughout my life, I have often looked to the Bible for advice,

influence, and comfort in times of stress and confusion.

More than 200 years ago, our Nation was begun with a great deal of the foundation laid upon the personal religious convictions of the settlers and pioneers of this country. Those early Americans believed religion to be a very necessary undergirding for a successful societal structure, so much so, in fact, that John Adams could say:

Statesmen may plan and speculate liberty, but it is religion and morality alone upon which freedom can securely stand.

This belief, in large part, led to many of the decisions of consequence made in the formative period of the United States of America. Indeed, the very concept of our form of civil government, the checks and balances system together with the doctrine of enumerated powers, was founded upon the Biblical teaching that man is fallible and capable of doing wrong. Such Biblical relationships are staggering in number, filling the history of our Nation.

As the son of a Methodist minister, I was raised in a very religious atmosphere and quite naturally came to believe in the power and wisdom of the Bible. Throughout my life, I have always tried to organize my schedule to allow time for reading and reflecting upon this magnificent book, the leading bestseller of all time.

I believe, as we face the trying times that await our country, and answer the challenges at home and abroad, economically, defensively, and morally, that it is of the most absolute importance for us to stand and say of the strengthening influence the Bible has had on us as a people and as a nation, "Let this continue." I believe that it is of the utmost importance that we all recognize the vast and varied contributions that the Bible has made in molding and shaping the United States as we now know it. Lastly, I believe it very important that we send a signal of these recognitions through the speedy approval of this resolution proclaiming 1983 as the national "Year of the Bible," and echo the words of President Andrew Jackson, so many years ago, saying that the Bible "is the rock on which our Republic sits."

THE TRUE BELIEVER, STILL

Mr. HEFLIN. Mr. President, clearly, the most urgent issue today is shaping a Federal budget that offers realistic hope for economic recovery, with cuts that are distributed equitably.

Since the administration proposed fiscal year 1983 budget was presented to the Congress, a number of alternatives have been offered. A New York Times editorial of February 28, 1982, and the Mobil advertisement to which the editorial refers offer suggestions that I am sure will be discussed during the debate on this critical issue.

I ask unanimous consent to insert these items into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Editorial]

THE TRUE BELIEVER, STILL

Every day, it seems, the President loses another ally in his budget battle with Congress. He alone remains a true believer, unshakable in his faith that a healthy recovery can occur and be sustained for years despite huge and unyielding Federal deficits.

Inflation has come down dramatically and the President believes interest rates will follow. If only the nation will trust Reaganomics long enough to work, it will celebrate the vital new era promised a year ago.

Never mind that the knowledgeable Senator Ernest Hollings greeted the President's 1983 budget with a radical alternative. The South Carolinian is a Democrat. But then came the defection of Senator Howard Baker, the majority leader, and he in turn urged the nation's corporate leaders to confront Mr. Reagan with their alarm about his deficits.

That is what the hardly radical Mobil Oil Corporation did last week, paying us good money for space on the opposite page. It pleaded for a reduction of the deficits because they contain "the seeds for renewed excessive inflation, retarded economic growth, and continued high interest rates." And now comes Senator Pete Domenici, the Republican star who skillfully shepherded the President's budget to passage last year, insisting on a rewrite this year—with or without the President's help.

It is thus inevitable that the Reagan budget will be drastically revised. But it is by no means certain that Congress by itself will come up with the best remedies.

Virtually all the suggestions heard so far are improvements. All would shrink deficits more decisively and fairly than the President's plans. But by concentrating on a delay or reduction in the income tax benefits due this July and next, they not only offend the President's proudest achievement but overlook more promising sources of revenue.

There is available a "supply-side" strategy that might yet appeal to Mr. Reagan. It would let stand the incentives provided by the multi-year reduction in tax rates, which are expected to encourage some taxpayers to be more productive.

The revenues that Congress draws from the economy should be in the form of taxes that discourage consumption, not production. A Federal tax on gasoline or a fee on imported oil, for example, would yield both revenue and beneficial energy savings. A value added tax—basically a Federal sales tax—could be imposed as the recession ends to raise revenue and discourage consumption directly. Some tax subsidies, like the deductions allowed for interest on consumer loans, should be withdrawn.

Why does the President stand so rigid against the clamor? Perhaps he is a secret Keynesian, wanting huge deficits to stimulate fast recovery from recession. Perhaps he thinks the recession gives him time to change course next year, after he is through squeezing expenditures on programs he resents.

But in considering tax increases, the country ought to be alert to a crucial difference between urgency and immediacy. There is indeed no need to raise taxes immediately.

No one urges a course that would only prolong and deepen the recession.

There is, however, a need to act against future deficits urgently, to demonstrate that they will be declining, not rising, in the years of recovery. Until that is clear and credible, the financial markets will continue to roll in uncertainty, interest rates will stay high and even the recovery may be aborted.

Does the President really intend to stand idly by while economic policy is reconstructed all around him? His rigidity, or strategy of delay, is now an enemy of recovery and also of the most prudent repair of his budget. A useful economic strategy needs more than a single true believer.

[Mobil advertisement]

REFOCUSING THE DEBATE

Along with most of the American public, we have been following the current debate over President Reagan's proposed federal budget and the impact and implications of a projected deficit in excess of \$90 billion. With a desire to be constructive we would suggest a change in the focus of that debate.

(A second debate is taking place regarding the propriety and equity of many of the non-defense budget items. Lower interest rates and accelerated economic growth will benefit all including those adversely affected by these changes. Nevertheless, it may well be that some adjustments will be needed; this can be done without disturbing the integrity of the budget.)

There seems to be reasonable agreement regarding four objectives.

First, that it is desirable to reduce income taxes for individuals and corporations.

Second, that the United States needs to regularly and proportionately strengthen its defense capability.

Third, while it may not be as wholeheartedly accepted as the above two propositions, we think there is majority support amongst the public and economic analysts in favor of a free market energy system.

Fourth, that the current budget deficit in excess of \$90 billion needs to be reduced because it contains the seeds for renewed excessive inflation, retarded economic growth, and continued high interest rates.

With substantial majority support for these four concepts, the debate should now focus on the narrower issues of whether current timetables for tax cuts, defense expenditures, and energy price deregulation can be modified in order to reduce the projected deficit.

It is not unusual to adjust timetables as a result of changed economic forecasts without abandoning the long-term achievement of these objectives. Surely, interest rates, unemployment, and the recession have changed the outlook from the time when the President's timetable was first announced. It is both possible and in view of the projected deficit, desirable to adjust the timetables and the rates of expenditures and tax collections in a way that would significantly reduce the deficit and strengthen the economy but at the same time maintain the long-term objectives.

These adjustments would set the stage for eventual achievement of the objectives we all seek. Specifically, we would suggest the following:

1. That the tax rate reductions for individuals and perhaps corporations scheduled to take effect this year be postponed to not earlier than January 1, 1983, thereby causing 1982 income to be treated as it was in 1981.

2. That the extent of increased defense expenditures for this fiscal year be reduced. Increased defense expenditures on a year-by-year basis are desirable and should be at a level in excess of inflation to insure a continuing net improvement in our defense capability. With that criteria in mind we would suggest that the proposed increases in defense expenditures in the current fiscal year, while perhaps desirable from a defense point of view, are simply too large in terms of the projected deficit. Our conclusion is that defense expenditures should be reduced to a level below that projected but in excess of projected 1982 inflation.

3. That all price controls on natural gas be phased out and part of the revenue used to reduce the deficit. We understand and accept the view that the immediate decontrol of natural gas could also have a counterproductive impact on the general economy. Indeed, we have always believed that phased decontrol of natural gas would probably be preferable. This is consistent with our earlier views (as far back as 1975) in favor of phased rather than immediate decontrol of crude oil because of its possible adverse impact on the economy (a view which made us rather unpopular with some of our friends in the oil industry). Again we are not suggesting that the objective of free market pricing of natural gas should be delayed for one day longer than necessary. What ought to be debated is a timetable for achieving that objective.

In our view, natural gas pricing and taxation should contain these ingredients:

First, gas yet to be discovered should not carry any price control mechanism nor any special excise tax which would operate as a disincentive to find such resources.

Second, gas currently flowing and under price controls should have such price controls phased out perhaps over a 36-month period.

Third, a special excise tax, not to exceed 50%, should be enacted on the difference between the controlled price of current production and the decontrolled price, with such tax taking effect at each step of phased decontrol. (This feature probably will also not make us popular with some of our friends in the oil industry.) This tax would contribute substantial new revenues to help close the budget deficit.

Clearly the impact caused by decontrol of natural gas is minimized when, as is now the case, more than adequate supplies of crude oil are yielding declines in the price of petroleum products.

In summary, what we are proposing is a rededication to the objectives of lower taxes, a stronger military, a strengthened free market, and a program which would bring lower interest rates.

At the same time, we are suggesting that the timetables and levels of expenditures and tax collections be reviewed in light of a projected budget deficit and interest rates which could jeopardize the achievement of these objectives and cause politicians interested in short-term gain to propose programs that would set back the achievement of these objectives for many years.

We hope that these suggestions will be viewed in a constructive light.

SUPPORT THE OLYMPIC COIN ACT

Mr. KENNEDY. Mr. President, I am pleased to give my strong support to S. 1230, the Olympic Coin Act, which authorizes the Department of the Treas-

ury to mint a series of commemorative coins to honor and support the 1984 Olympic games in Los Angeles.

The Olympics are a forum for recognition of the finest amateur athletic talent in the world. They are the oldest and most truly international of all sports competition, and all Americans take pride that Los Angeles will be the site of the Olympics in 1984. The extraordinary efforts now underway by the U.S. Olympic Committee and the Los Angeles Olympic Organizing Committee to prepare for the games deserve the strongest possible support from all citizens and all sections of the United States.

All too often, American athletes are obliged to enter Olympic competition at a substantial disadvantage because of the blatant financial support that governments of other nations routinely—and often clandestinely—provide their athletes. Sadly, Olympic races sometimes go not to the swiftest or the finest athletes, but to those most heavily subsidized by their governments. That is a path of professionalization down which the Olympic games should not have gone and down which the United States must never go.

In fact, the dramatic achievements of America's amateur athletes in Olympic competition are all the more remarkable because the U.S. Government provides no direct financial support for the enormous costs of training for the games. The independence of our athletes makes voluntary private support all the more essential as a means to ease this financial burden.

The minting of commemorative coins by host nations for the Olympic games is an ancient and honored Olympic tradition that was revived in the postwar era. Under the imaginative legislation now before Congress, that tradition will be carried forward in a way that also seeks to defray the very substantial cost of hosting the games.

The Olympic Coin Act will help to redress the existing unfair financial balance in Olympic competition by providing a reasonable and ethical way for American citizens—at no cost to the Federal Treasury—to support the U.S. Olympic Committee and the city of Los Angeles in their preparations for the 1984 games.

Even now, athletes all across America are giving their personal best as they hone their skills to the limit of endurance for the high honor of representing the United States at Los Angeles in 1984. We cannot and we must not let them down.

For a fortunate and talented few, the impossible dream of an Olympic gold medal will come true at Los Angeles in 1984. And for millions of other young Americans in communities and on playing fields across this land, the

Olympic games will be an event of unparalleled inspiration, teaching qualities of courage and commitment, dedication and discipline, sportsmanship and citizenship that reflect not only the Olympic ideal but the greatest strengths of the American character.

Amid the widespread global tensions on issues ranging from the nuclear arms race to human rights, the Olympic games shine through as a beacon of peaceful international competition and cooperation. None of us will ever forget the enormous lift to America's national spirit when the American hockey team performed its miracle on ice and scored one of the greatest upsets in Olympic history, by defeating the Soviet players to win the gold medal at Lake Placid in 1980.

I hope, therefore, that the Olympic Coin Act, which passed the Senate last December, will receive the prompt approval of the House of Representatives. Preparations for the 1984 games are already well underway in many nations, and the wise support that will become available under this legislation should begin to flow immediately.

In spirit, Chariots of Fire are already bearing the athletes of the world toward Los Angeles in 1984, and America's best must not be left behind.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations and withdrawal received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL APPROVALS

A message from the President of the United States notified the Senate that he had approved and signed the following bills:

On March 24, 1982:

S. 2166. An act to provide for the distribution within the United States of the International Communication Agency slide show entitled "Montana: The People Speak."

On March 26, 1982:

S. 2254. An act to temporarily extend the authority to conduct experiments in flexible schedules and compressed under the Federal Employees Flexible and Compressed Work Schedules Act of 1978.

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:32 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 634 An act to authorize the exchange of certain lands in Idaho and Wyoming.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

At 2:57 p.m., a message from the House of Representatives, delivered by Mr. Gregory, announced that the House has passed the following bill, with amendments:

S. 1131. An act to require the Federal Government to pay interest on overdue payments and to take early payment discounts only when payment is timely made, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary reported that on today, March 29, 1982, he had presented to the President of the United States the following enrolled bill:

S. 634. An act to authorize the exchange of certain lands in Idaho and Wyoming.

PETITIONS AND MEMORIALS

APPLICATION

POM-706. A joint resolution adopted by the Legislature of the State of Alaska:

"RESOLUTION"

"Be it resolved by the Legislature of the State of Alaska:

"Whereas annually the United States moves more deeply into debt as its expenditures exceed its available revenues and the public debt now exceeds hundreds of billions of dollars; and

"Whereas annually the federal budget demonstrates the unwillingness or inability of the federal government to spend in conformity with available revenues; and

"Whereas proper planning, fiscal prudence, and plain good sense require that the federal budget be in balance absent national emergency; and

"Whereas a continuously unbalanced federal budget except in a national emergency causes continuous and damaging inflation and consequently a severe threat to the political and economic stability of the United States; and

"Whereas, under Article V of the Constitution of the United States, amendments to the Constitution may be proposed by Congress or, on the application of the legislatures of two-thirds of the states, Congress shall call a constitutional convention for the purpose of proposing amendments;

"Be it resolved by the Alaska State Legislature that the Congress of the United States is requested to propose and submit to the states an amendment to the Constitution of the United States which would require that within four years after its ratification by the various states, in the absence of a national emergency, the total of all appropriations made by Congress for a fiscal year shall not exceed the total of all estimated federal revenues for that fiscal year; and be it

"Further resolved that, alternatively, this body makes application and requests that the Congress of the United States call a convention for the sole and exclusive purpose of proposing an amendment to the Constitution of the United States which would require that, in the absence of a national emergency, the total of all appropriations made by Congress for a fiscal year shall not exceed the total of all estimated federal revenues for that fiscal year; and be it

"Further resolved that if Congress proposes such an amendment to the Constitution this application shall no longer be of any force or effect; and be it

"Further resolved that this application and request shall no longer be of any force or effect if the convention is not limited to the exclusive purpose specified by this resolution."

(The foregoing resolution was received in the Senate of February 24, 1982, and was referred to the Committee on the Judiciary on that day.)

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation:

James Eugene Burnett, Jr., of Arkansas, to be Chairman of the National Transportation Safety Board;

Rear Adm. Wayne E. Caldwell, U.S. Coast Guard, to be the Commander, U.S. Coast Guard, Atlantic Area with the grade of vice admiral while so serving; and

Rear Adm. Charles E. Larkin, U.S. Coast Guard, to be the Commander, U.S. Coast Guard, Pacific Area with the grade of vice admiral while so serving.

(The above nominations were reported from the Committee on Commerce, Science, and Transportation with the recommendation that they be confirmed, subject to the nominees' commitment to appear and testify before any duly constituted committee of the Senate.)

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

Preston Martin, of California, to be a member of the Board of Governors of the Federal Reserve System for a term of 14 years from February 1, 1982;

Preston Martin, of California, to be Vice Chairman of the Board of Governors of the Federal Reserve System for a term of 4 years.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MELCHER:

S. 2287. A bill to amend the Poultry Products Inspection Act to increase the number of turkeys which may be slaughtered and processed without inspection under such act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

S. 2288. A bill entitled "The Emergency Agriculture Act of 1982"; to the Committee on Agriculture, Nutrition, and Forestry.

S. 2289. A bill to provide for the future productivity of the National Forest System; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PERCY (by request):

S. 2290. A bill to amend the International Communication Agency Authorization Act, fiscal years 1982 and 1983 (Public Law 97-100; Stat. —), to authorize additional appropriations for fiscal year 1983, and for other purposes; to the Committee on Foreign Relations.

By Mr. DIXON (for himself, Mr. HUDDESTON, Mr. LEAHY, Mr. ZORINSKY, Mr. PRYOR, Mr. MELCHER, Mr. BOREN, Mr. HEFLIN, and Mr. EXON):

S. 2291. A bill to require the Secretary of Agriculture to disseminate farm income estimates; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. METZENBAUM:

S. 2292. A bill to amend section 205 of the Federal Power Act (16 U.S.C. 824d) relating to inclusion of construction work in progress in the wholesale rate base of public utilities; to the Committee on Energy and Natural Resources.

By Mr. HEFLIN:

S. 2293. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income subsistence payments to certain law enforcement officers; to the Committee on Finance.

By Mr. JOHNSTON (for himself and Mr. LONG):

S. 2294. A bill to provide for the settlement of the land claims of the Chitimacha Tribe of Louisiana, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. HEFLIN:

S. 2295. A bill for the relief of Elinor Dean Jones; to the Committee on the Judiciary.

S. 2296. A bill to provide that district courts have jurisdiction in Department of Labor Employees' Compensation Appeals Board actions; to the Committee on the Judiciary.

By Mr. HATCH (for himself and Mr. DeCONCINI):

S. 2297. A bill to amend title II, United States Code, to improve the protection for shopping centers and their tenants under the Bankruptcy Code; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MELCHER:

S. 2288. A bill entitled the "Emergency Agriculture Act of 1982"; to the Committee on Agriculture, Nutrition, and Forestry.

EMERGENCY AGRICULTURAL ACT OF 1982

Mr. MELCHER. Mr. President, I am today introducing the Emergency Agriculture Act of 1982.

On March 18, we celebrated National Agriculture Day, a day when politicians say nice things about farmers and ranchers.

But I can assure everyone that farmers and ranchers are not saying many nice things about Congress. They have good reason to question the common-sense of Congress, the Department of Agriculture and the whole Federal Government.

The Government has given agriculture a farm bill that is no good.

The Federal Government has given farmers and ranchers both inflation that raised the price of their costs, and high interest rates that mean they cannot pay their bills.

The Government has embargoed the export of our grain overseas, thereby depressing farm prices, and undermining the confidence of foreign customers that America can deliver the goods.

Just a refresher course on grain embargoes—there was an embargo under President Carter. I would remind everyone that there was an embargo in 1973 under President Nixon; one in 1974 by President Ford; two more in 1975 by President Ford. So that makes it bipartisan, and bipartisan wrong.

President Reagan took his own sweet time in eliminating the Carter embargo, and then within days of doing that he embargoed the shipment of butter to the Russians. And even today there is a shadow embargo on shipment of food to Poland and Russia.

Farmers and ranchers are going broke. The market price for virtually every commodity is less than the cost to produce them.

Let us look at wheat. The parity price for a bushel of wheat these days is \$7.18. The Department of Agriculture says the cost of producing that bushel is \$5.32. The current average national price being received by farmers for that wheat is \$3.67, for a net loss of \$1.65. There is no way the farmers and ranchers can continue to produce with prices below cost of production.

Loan delinquencies and defaults by farmers and ranchers have increased sharply and are getting worse. Bankers are already telling my office that many borrowers will be curtailed on credit and many will have to be turned down.

Farmers and ranchers have been told that they ought to rely on the free market, rather than on Government programs. They surely want to rely on the free market. Only it is not free.

As long as the European Community and others cut the price of their goods for export with subsidies, there is no free market. As long as Japan, the European Community and others refuse to accept our agriculture products there is no free market.

The pricing system for agriculture is not working when producers have to borrow their money from the banks, instead of getting it from the marketplace.

Because of export subsidies by other governments, the United States is a residual supplier of the world's agricultural products. In other words, buyers come to us as a last resort.

Despite this, our country supplies 57 percent of all agricultural products in

international trade. That means that sooner or later, the Russians and other purchasers have to come to us.

Under these circumstances, there is no reason that the United States should not set a price for its commodities that will provide farmers and ranchers with a fair return.

To do less is to court disaster.

This legislation will do just that for grain producers and which I believe will stabilize beef, pork, milk, and poultry at fair prices.

And when I hear from the nervous Nellies who claim that such an approach will cost too much, or might upset our customers, I will take them to see the Alabama cottongrower who last fall could not find a buyer for his cotton at any price, or cattle growers or feeders who lose \$50 per head or more.

I will take them to a couple of shutdown feed lots and packing plants.

I will take them to see the Montana wheat growers who write to me and ask why they should keep producing at a loss.

I will take them to see one of the hundreds of farm and ranch auctions and foreclosures that are occurring right now in rural America.

We have all heard about how the current economic situation is hurting autos, steel, homebuilding, small business, and the timber industry, and it is.

But American agriculture is in a depression, and the sad thing is that the Government does not seem to care.

Finally, the best indication of how bad things are in agriculture comes from USDA. I defy anyone to get a straight story on what the Department expects net farm income to be this year. Two weeks ago I heard they thought it would be \$14.5 billion. Now the rumor is that they expect it to be \$13.2 billion.

If this last figure is right, that is half of what farm income was in 1978. The last time farm income was that low was 1968.

In terms of uninflated, real dollars, it has never been that low since the Department has been keeping track of net farm income.

This bill does four simple things:

It sets the Commodity Credit Corporation loan rate for wheat at \$4.20 and for corn at \$2.90 a bushel. The marketplace will respond to this loan level, establishing a cash grain price 55 to 75 cents a bushel above the federally established loan rate. This will assure that grain farmers do not go broke, and it will tell the world that the United States is prepared to set a fair price for its grain. To do so would improve our trade balance by billions of dollars.

I predict that if these actions are taken, the world price for wheat and feed grains will suddenly become the

price established by the United States. The Canadians and the Australians have told us that they are anxious to join us in setting a fair world price for wheat.

Second, the bill directs the Secretary of Agriculture, immediately upon enactment of the bill, to make loans available to farmers and ranchers under the already authorized economic emergency loan program of the Farmers Home Administration.

It makes no sense whatever that the Department of Agriculture is not acting aggressively to implement this vital program at a time when farmers and ranchers are going broke.

Third, the bill increases the food for peace assistance that will be made available to nonprofit and voluntary agencies for international food distribution. This increase can be used in large measure to make certain that the Catholic Church and the International Red Cross can get needed food aid to the hungry people of Poland. But it can also be used to assist those in nations such as Tanzania, where there is currently famine.

This needed food distribution will help those abroad, while helping American farmers and ranchers at the same time.

Finally, there is a soil conservation component in the bill. The draft program developed by the Department does not call for a policy that would aim its soil and water conservation efforts toward a national nondegradation policy for our soils. The draft program says that to do so would cost too much money.

Maybe that is right, and maybe it is not. But whether it is or not, it seems pretty cynical to me to set out on a course where we know at the outset that more soil is going to be lost than what we save through conservation efforts.

It seems to me that at a bare minimum we have to establish nondegradation as a goal.

There is another problem associated with new Department policies to target technical and financial assistance to the most heavily eroding areas. Its effect is going to be the elimination of a minimum base, conservation program in some areas of the country. I do not think that is what Congress had in mind when it enacted the critical areas conservation program in last year's farm bill. Instead the critical areas program was passed so that the Secretary would have additional authority to target the worst areas.

Further, I think it will be necessary for the Department to take special care in its targeting effort to take into consideration the long-term productivity of land as well as gross erosion in determining which areas to target.

While it is proper to be concerned about large soil losses in Iowa, the top

soil in that State is 40-feet deep in places, and soil losses under these circumstances might not be as bad as it is in areas where losses are less, but where the depth of the top soil is only inches deep. This bill takes care of this problem.

Mr. President, I believe this bill represents a good first step toward moving American agriculture from its current depressed state. I commend it to the Senate, and ask unanimous consent that S. 2289 be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 107(a) of the Agricultural Act of 1949 (7 U.S.C. 1445b-1(a)), as added effective for the 1982 through 1985 crops of wheat by the Agriculture and Food Act of 1981, is amended by striking out "\$3.55" and inserting in lieu thereof "\$4.20".

Sec. 2 Section 105B(a)(1) of the Agricultural Act of 1949 (7 U.S.C. 1444d(a)(1)), as added effective for the 1982 through 1985 crops of feed grains by the Agriculture and Food Act of 1982, is amended by striking out "\$2.55" and inserting in lieu thereof "\$2.90".

Sec. 3 That Section 102 of the Food and Agriculture Act of 1977 is amended to add a new subsection (c) as follows:

(c) In order to protect and preserve the family farm, the Secretary of Agriculture shall, upon enactment of this subsection, immediately exercise his authority under Section 1605 of Public Law 97-98 to make loans available under the Economic Emergency loan program under terms and conditions which will meet the needs of farm and ranch borrowers.

Sec. 4. Section 201 of the Agricultural Trade Development and Assistance Act of 1954 is amended by striking subsection "(b)" and inserting in lieu thereof:

"For fiscal year 1982 and each fiscal year thereafter, the minimum quantity of agricultural commodities distributed under this title shall be 2,000,000 metric tons of which not less than 1,700,000 metric tons shall be distributed through nonprofit voluntary agencies and the World Food Program. Provided, That such minimum quantity shall not exceed the total quantity of commodities determined to be available for disposition under this Act pursuant to section 401, less the quantity of commodities required to meet famine or other urgent or extraordinary relief requirements".

Sec. 5. (a) Congress finds and declares that it shall be the policy of the United States that it be the goal of all of those programs of the Department of Agriculture pertaining to soil and water conservation to prevent soil degradation insofar as possible.

(b) Congress further finds and declares that efforts by the Secretary of Agriculture to areas where there is the most serious soil erosion in the Nation has had the effect of reducing the amount of technical and financial assistance available to landowners in other areas where erosion from wind and water threatens the long-term productivity of the land.

(c) Therefore, be it enacted that prior to determining to use federal technical and financial assistance in targeted areas, the Secretary shall first determine that at least a minimum, essential technical and financial

assistance program is available in all areas of the Nation to meet the requirements expressed in statewide conservation programs developed by and for the States.

(d) Section 1504(b) of P.L. 97-98 is amended by adding after the first sentence the following: "In making such determinations, the Secretary shall consider the protection of the long-term productivity of the land, in addition to the reduction of gross soil erosion rates."

By Mr. Melcher:

S. 2289. A bill to provide for the future productivity of the National Forest System; to the Committee on Agriculture, Nutrition, and Forestry.

EMERGENCY NATIONAL FOREST PRODUCTIVITY ACT OF 1982

Mr. MELCHER. Mr. President, I am today introducing S. 2289, the Emergency National Forest Productivity Act of 1982.

I do not think there is any secret that the housing industry in the United States is near total collapse, and the prospects that markets will improve are not good.

The National Association of Home Builders projects that there will be fewer housing starts in 1982 than there were in 1981, and last year was the lowest production year for housing since 1946.

It is not difficult to understand why the housing market is depressed, even though the United States has a vast reservoir of potential home buyers, the average mortgage rate as of February 26 was 17.52 percent. People cannot afford to buy houses because the cost of the money they need to borrow is too expensive.

As a result of the poor market for building materials, a total of 51 plywood mills were not operating on February 20, and another 56 mills were operating on curtailed schedules. This means that 58 percent of the plywood industry was affected by closures and curtailments, resulting in 10,194 employees being laid off, or having their workweek reduced.

Among western mills manufacturing lumber, 163 were not operating and another 322 were working reduced schedules. These mills represent 64 percent of all those in the western sawmill industry, and the reductions have led to 65,267 employees being laid off, or working fewer hours.

In the South, 31,240 employees of softwood mills are either laid off or working less than full time.

The Association of American Railroads reports that carloadings of lumber and wood products are down 36 percent from the corresponding week in 1981, and down 50 percent from 1980.

None of these dreary figures take into account closures and curtailments in logging, millwork, particleboard, hardboard, and other segments of the wood products industry.

The deep unemployment in this vital and productive American industry ripples out in tidal wave force into the small communities that are totally reliant on timber to maintain their tax bases and economies. There is an emergency!

My bill attempts to focus on this problem through the employment of out-of-work loggers and mill employees to do work on the National Forest System that will contribute to the future productivity of these lands.

The purpose of the program will be to make these lands more productive through reforestation and timber stand improvement, roadbuilding and the removal of dead trees. The benefit of this work will be to reduce the hazards of wildfire through the removal of fuels, to improve the National Forest System's transportation system, to accomplish more extensive yarding of undesirable materials, to provide employment, and to improve the productivity of the forests, and to provide easier public access to firewood.

When we consider that people employed in this manner will not be drawing unemployment compensation, and when we consider the real dollar value in the improved forest productivity, I believe that this program will not be a high cost factor to the Government, but instead it will be profitable.

We need only look at the proposed budget of the Forest Service to see that the opportunities are there for useful projects that are not make-work.

The budget shows that the Forest Service ought to be spending \$371.4 million for road construction. The budget calls for \$100 million less.

Using Resources Planning Act projections the Forest Service ought to be spending \$20.3 million for trail construction, but the budget calls for \$4.8 million.

The Forest Service ought to be spending \$50.5 million for recreation construction, but the budget calls for \$4.5 million.

The Forest Service ought to be spending \$62.5 million for construction for fire administration and other purposes, but the budget calls for \$16.1 million.

The Forest Service ought to be spending \$49.7 million for land management activities, but the budget only calls for \$17.9 million.

The Forest Service ought to be spending \$25.6 million for maintenance of facilities, but the budget asks for \$13.6 million.

The Forest Service ought to be spending \$119.7 million for forest road maintenance, but the budget calls for \$61.6 million.

The Forest Service ought to be spending \$21.6 million for forest trail

maintenance, but the budget calls for \$7.7 million.

The Forest Service ought to be spending \$141.8 million for reforestation and timber stand improvement, but the budget calls for \$100 million.

These are but a few examples of work that ought to be done to improve the productivity and safety of the National Forest System. Each year the Congress has failed to make the proper investments in these areas, and it is for this reason that the Forest Service has been accused of accomplishing only custodial management of the forests.

With thousands upon thousands of woodworkers unemployed, we should look on the current situation as an opportunity to improve the public lands.

Mr. President, I commend this good bill to the Senate, and I ask unanimous consent that a copy of S. 2289 be included in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2289

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Emergency National Forest Productivity Act of 1982.

Sec. 2. The Secretary of Agriculture shall establish a special program to remove dead, dying, diseased and downed timber on National Forest System lands. The purpose of this program shall be to make these lands more productive, through reforestation and other forms of enhancement, including road construction; to accomplish additional thinning and other forms of timber stand improvement; to reduce the hazards of wildfire to accomplish more extensive yarding of undesirable materials; to provide employment in and around communities that are dependent on timber production; and to provide easier public access to firewood supplies.

Sec. 3. (a) The Secretary, in carrying out the purpose of this Act, may enter into contracts or other types of agreements with owners of private forest lands or other persons, or may conduct the work himself, if no contractors are available.

(b) The program to be carried out under the authority of this Act shall be judged by its contribution to the long-term productivity and environmental protection of the National Forest System.

(c) Projects and other efforts established under the program authorized by the Act may be carried out in conjunction with projects, contracts or agreements entered into under any authority which the Secretary may possess: *Provided*, That nothing contained in this Act shall abrogate or modify provisions of existing contracts or agreements, including contracts or agreements for the sale of National Forest timber, except to the extent such changes are mutually agreed to by the parties to such contracts or agreements.

Sec. 4. The Secretary may carry out the special program through to procedure under which purchasers of National Forest System timber under contracts awarded prior to October 1, 1986, may be required to remove residues and yard undesirable materials, not purchased by them, to point of prospective use, in return for compensation in the form of residue removal credits. The residue re-

moval credits shall be applied against the amount payable for the timber purchased, and shall represent the anticipated cost of removal. The following guidelines shall apply to projects carried out under this section:

(1) After the material removed from the forest is taken to points of prospective use, it shall be offered for sale at not less than its appraised value for commercial timber uses, such as lumber or pulp. Any wood material that is not sold for commercial purposes shall be offered for public use as firewood.

(2) Except in cases where wood is determined to be necessary for fire prevention, site preparation for regeneration, wildlife habitat improvement or other land management purposes, the Secretary may not provide for removal of wood material in instances where the anticipated cost of removal would exceed the anticipated value, including the estimated long term value of improved management of the National Forest System.

(3) The residue removal credits authorized by this section shall not exceed the amount payable by the purchasers for timber after the application of all other charges and credits.

(4) Wood and wood residues shall be collected from a site so as to avoid soil depletion, erosion and watershed damage, giving full consideration to the protection of wildlife habitat.

(5) For the purposes of the sixth undesignated paragraph under the heading "Forest Service" in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500) and section 13 or the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500) (A) any residue removal credit applied under this section shall be considered as "money received" or "moneys received", respectively, and (B) the "money received" or "moneys received", respectively, from the sales of wood residues removed to points of prospective use shall be the proceeds of the sales less the sum of any residue removal credit applied with respect to such residues plus any costs incurred by the Federal Service in processing and storing such residues.

Sec. 5. The Secretary shall make annual reports to the Congress on the programs authorized by this Act. These reports shall be submitted with the reports required under section 8(c) of the Forest and Rangeland Renewable Resources Planning Act of 1974.

Sec. 6. The Secretary shall issue such regulations as the Secretary deems necessary to implement the provisions of this Act, within 30 days after enactment.

Sec. 7. There is hereby authorized to be appropriated not to exceed \$150,000,000 for each of the fiscal years, 1983, 1984, 1985, and 1986 to (a) carry out the programs authorized under section 3 of this Act, (b) provide for the residue removal credits authorized by section 4 of this Act and (c) carry out the other provisions of this Act. For the current fiscal year, the Secretary is authorized to transfer funds from other National Forest System Accounts to carry out the provisions of this Act.

Sec. 8. This Act shall become effective immediately.

By Mr. PERCY (by request):

S. 2290. A bill to amend the "International Communication Agency Authorization Act, Fiscal Years 1982 and 1983" (Public Law 97- Stat.), to authorize additional appropriations for fiscal year 1983, and

for other purposes; to the Committee on Foreign Relations.

LEGISLATION TO AMEND INTERNATIONAL COMMUNICATION AGENCY AUTHORIZATION

● Mr. PERCY. Mr. President, by request, I introduce for appropriate reference a bill to amend the International Communication Agency Authorization Act, Fiscal Years 1982 and 1983, to authorize additional appropriations for fiscal year 1983.

This legislation has been requested by ICA and I am introducing the proposed legislation in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with a section-by-section analysis of the bill and the letter from the Director of the International Communication Agency to the President of the Senate dated March 18, 1982.

S. 2290

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

AUTHORIZATION OF ADDITIONAL APPROPRIATIONS

That section 202 of the "International Communication Agency Authorization Act, Fiscal Years 1982 and 1983" (Public Law 97- ; Stat.) is amended by striking out "\$482,340,000" and inserting in lieu thereof "\$640,000,000".

CHANGES IN ADMINISTRATIVE AUTHORITIES

Sec. 2. Section 804(1) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1474(1)) is amended by striking out the word "suitably" and replacing it with words "equally or better."

Sec. 807. Notwithstanding the provisions of 31 U.S.C. 484 or any other law or limitation of authority, tuition fees or other payments received by or for the use of the International Communication Agency from or in connection with English-teaching programs conducted by or on behalf of the Agency under the authority of this Act or the Mutual Educational and Cultural Exchange Act of 1961 may be credited to the Agency's applicable appropriation."

SECTION-BY-SECTION ANALYSIS—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS

This proposed amendment to the "International Communication Agency Authorization Act, Fiscal Years 1982 and 1983" increases the authorization of appropriations for the International Communication Agency in fiscal year 1983 from \$482,340,000 to \$640,000,000. The amended amount is included in the President's budget for fiscal year 1983.

The increase is requested primarily to cover added requirements for construction of new Voice of America relay stations overseas, international education and foreign language activities to be transferred from the Department of Education and added costs of Agency operations attributable mainly to overseas wage cost increases.

SECTION 2 (EMPLOYMENT OF FOREIGN NATIONALS)

Public Law 96-60, passed in August of 1979, amended Section 804(1) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1474(1)) by broadening considerably the Agency's authority to employ foreign nationals to meet its various programming responsibilities. In addition to translation and narration, the law now allows the use of foreign nationals for preparation and production of programs "where suitably qualified U.S. citizens are not available." The principal advocate and beneficiary of this change was the Voice of America.

The presently proposed amendment to Section 804(1) would delete the word "suitably" and replace it with the words "equally or better" so that the section would read in pertinent part "employ, without regard to the civil service and classification laws, aliens within the United States and abroad for service in the United States . . . when equally or better qualified United States citizens are not available. . . ." (Emphasis supplied.)

As the law is now written and interpreted, minimally qualified U.S. citizens must be given preference for jobs over highly qualified and experienced foreign national employees. This frequently has resulted in hiring less than the best qualified candidates for language programming and has led to language broadcasts of a poorer quality than is needed. In the highly competitive international broadcasting environment in which the VOA operates, language and journalistic skill must be of the highest quality when judged by the foreign listener.

SECTION 2 (ENGLISH TEACHING PROCEEDS)

The Agency is seeking authority to use the proceeds from its English teaching programs abroad. We anticipate the following beneficial results:

(1) Greater quality control of educational aspects of these programs since they would be removed from local educational requirements such as teaching host country history and culture in addition to the English language, and local labor law requirements, such as the need to hire a certain percentage of host country nationals as teachers, rather than the pedagogically preferred native speakers of English.

(2) Greater administrative control of programs, such as uniform bookkeeping requirements, the ability to recycle funds received into ELT program enrichment, the option to dismiss employees who are not maintaining academic standards or who have been found to siphon off funds for improper use.

(3) Greater continuity of programs since oversight would not be left in the hands of constantly changing volunteer members of Boards of Directors of umbrella organizations.

(4) Greater flexibility for posts as to the most effective ways to enhance each program in light of the academic and socio-cultural needs of the local population should income exceed expenditures, such as subsidizing highly desirable seminars for secondary-school teachers associations such as local chapters of TESOL.

(5) The ability to get ELT materials which contain a substantial amount of "Americana" into national school systems and local institutions willing to pay modest costs for these materials, since this would eliminate the current drain on posts' DSA accounts, a factor inhibiting the size of current posts orders.

INTERNATIONAL COMMUNICATION AGENCY,

Washington, D.C., March 18, 1982.

DEAR MR. PRESIDENT: There is transmitted herewith proposed legislation to authorize appropriations for the International Communication Agency to carry out in Fiscal Year 1983 international communication and educational and cultural exchange programs. These activities are mandated by the United States Information and Education Exchange Act of 1948, as amended; the Mutual Education and Cultural Exchange Act of 1961, as amended, and Reorganization Plan No. 2 of 1977. The authorization of our appropriations is required by Section 701(a) of the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1476(a)).

The legislation also proposes to amend some of the provisions of the Agency's basic enabling authorities. An analysis explaining the proposed legislation is enclosed.

It should be noted further that the proposed legislation would amend the request submitted last year for Fiscal Year 1982 and 1983. This legislation has passed both the House and Senate, but has not yet been agreed upon in conference.

The Office of Management and Budget has informed us that there is no objection to the presentation of this proposed legislation and that its enactment would be in accord with the program of the President.

Sincerely,

CHARLES Z. WICK,
Director.●

By Mr. DIXON (for himself, Mr. HUDDLESTON, Mr. LEAHY, Mr. ZORINSKY, Mr. MELCHER, Mr. PRYOR, Mr. BOREN, Mr. HEFLIN, and Mr. EXON.):

S. 2291. A bill to require the Secretary of Agriculture to disseminate farm income estimates; to the Committee on Agriculture, Nutrition, and Forestry.

FARM INCOME ESTIMATES

Mr. DIXON. Mr. President, the bill I am introducing today will correct what appears to be an inappropriate policy decision of the Department of Agriculture to embargo the release of information on farm income.

The income statistics have virtually disappeared from the Department's publications in recent weeks. Policy officials of the Department decline to answer questions related to the 1982 farm income forecast.

By failing to publish, or even talk about, the farm income outlook, the Department has generated fears among farmers that the income outlook is so bad that the administration is reluctant to give an estimate.

My bill will require the Secretary of Agriculture to publish each month his Department's estimate of gross farm receipts, agricultural production expenses, and net farm income.

Mr. President, I am concerned that this is yet another step by this administration to politicize vital functions of the Department of Agriculture that should be left to professionals. Certain activities of the Department simply

must be left outside the political arena; otherwise the people of this Nation will suffer.

I would like to quote O. V. Wells, who was Chief of the Bureau of Agricultural Economics in the Department from 1946 to 1953, and served in the Department of Agriculture from 1929 to 1961. Mr. Wells delivered a bicentennial lecture at the Department of Agriculture on September 24, 1976, in which he said:

Over the years that I was with the Department (1929-61), my standard argument was that the best contribution that we could make was to see that the several farm groups, the agribusiness and consumer interests, the action agencies and their administrators, the White House advisers (including the Council of Economic Advisers and the Budget Bureau), and the Congressional leaders and committees all started their arguments from the same basic facts and analyses. I assume that this is still a guiding principle within the Department.

I agree with Mr. Wells argument. All the parties concerned must have some basic agreement on economic situation for agriculture in order for discussion of agricultural policy to be informed and productive. Because the Department of Agriculture will not provide its analysis of farm income in 1982, nor will even discuss the farm income outlook for 1982, we have no agreement on the basic facts as a starting point for discussion.

Mr. President, I would also like to quote from the bicentennial lecture delivered by M. L. Upchurch, who was Administrator of the Economic Research Service from 1965 to 1971. Mr. Upchurch notes that the Economic Research Service, the agency charged with producing the farm income estimates and forecasts, has "a venerable history of accomplishment . . . its integrity in developing the publishing economic intelligence for agriculture has always been unassailable. I am sure it will remain so."

The recent actions, or more appropriately the inaction of the Department, brings Mr. Upchurch's conclusion into question.

Monthly publication of current economic statistics is hardly an unusual occurrence. Most major indicators of the state of the economy are published monthly. We receive labor statistics, such as the unemployment rate and estimates of the number of people employed. We receive price statistics, such as the consumer price index and the producer price index. We receive national income statistics, such as gross national product and personal income statistics. Why should we not have knowledge of the current status of the farm income?

In fact, the Department, until January of this year, routinely published farm income statistics, including forecasts. These statistics have been published most prominently in the De-

partment's Agricultural Outlook magazine.

USDA now claims that it is too early to be able to estimate farm income for 1982 accurately. Yet every other administration has faced the same uncertainties and still published a forecast prepared using the best professional expertise available within the Department. Their forecasts have been of great value to Congress in overseeing the operations of the Department and in evaluating legislative proposals.

The professionals at the Department and the users of the farm income estimates are aware of the uncertainty inherent in forecasts. As long as the inaccuracies are the result only of statistical estimating procedure, the public interest is served.

Mr. President, the level of farm income is an important indicator of the health of rural America. The level of farm income helps Congress to evaluate whether or not legislative action is required to preserve our vital food and fiber producing industry, an industry that contributes more to our balance of payments than any other. It is intolerable that we in Congress should be denied the information available to the Secretary of Agriculture.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2291

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 526 of the Revised Statutes (7 U.S.C. 2204) is amended by adding at the end thereof a new subsection (c) as follows:

"(c) The Secretary of Agriculture shall, by the fifteenth day of each month, make and disseminate estimates of gross farm receipts, production expenses of farmers, and net farm income for the past calendar year, the current calendar year, and, in the months of October through December, the forthcoming calendar year, based on the most recent data available to the Secretary."

By Mr. METZENBAUM:

S. 2292. A bill to amend section 205 of the Federal Power Act (16 U.S.C. 824d) relating to inclusion of construction work in progress in the wholesale rate base of public utilities; to the Committee on Energy and Natural Resources.

WHOLESALE RATE BASE OF PUBLIC UTILITIES

Mr. METZENBAUM. Mr. President, this administration is rapidly developing a policy of requiring consumers to pay for the cost of energy, years before they receive any service. The first evidence of this policy came last year, when President Reagan proposed a series of waivers for the Alaska natural gas pipeline. Those waivers require consumers to pay for the principal and interest on \$32 billion of debt capital

for the pipeline before they receive any gas, and even though the project might never be completed.

Now this administration is seeking to bring this outrageous new policy to the electric utility industry through a highly technical accounting regulation known as construction work in progress, or CWIP. The Federal Energy Regulatory Commission presently is considering a regulation to allow utilities to include CWIP in their regulated rate base. If put into effect, this regulation would create a major new loophole that will permit utilities to require their customers to begin paying—with profit—for new electric generating plants before such plants are providing service.

Mr. President, the legislation I am introducing today is designed to prevent the adoption of this outrageous regulation that would force the Nation's consumers to massively subsidize the electric utility industry.

Utilities subject to Federal regulation were not permitted to use CWIP until 1975, when the Federal Power Commission, FERC's predecessor agency, issued order 555. That order permitted a utility to place CWIP in its rate base only in three situations:

First, to cover the cost of installing pollution control equipment;

Second, to cover the cost of converting an existing oil- or gas-fired generator to burn a more plentiful fuel, such as coal; and

Third, to cover the cost of constructing new generating facilities for utilities in severe financial difficulty.

I believe that the first two exceptions—pollution control and fuel conversion—are entirely reasonable. My legislation would retain them. But, Mr. President, this bill will definitely close the door on any inclination that may exist at FERC to substantially expand the ability of utilities to pass on CWIP charges to their customers. Specifically this legislation amends the Federal Power Act to prohibit FERC from allowing, except for purposes of pollution control or fuel conversion, the inclusion of CWIP in the rate base of any utility subject to Federal regulation.

There is ample reason to believe that unless the Congress intervenes, FERC will, in fact, take a permissive approach to CWIP.

On July 27, 1981, for example, FERC issued a notice of proposed rulemaking that would broaden the "severe financial difficulty" exception to permit a utility to use CWIP whenever its first mortgage bond rating for Moody's is Baa or lower or BBB or lower under Standard and Poor's, and when CWIP makes up at least 40 percent of the dollar amount of its rate base.

But FERC did not stop there. When the proposed rulemaking was noticed in the Federal Register, FERC also so-

licit additional comments on a number of issues designed to further expand the use of CWIP. It should surprise no one that dozens of private utilities, as well as Edison Electric Institute (EEI) asked that the final regulations allow CWIP in a utility's rate base regardless of circumstance. Speaking for the administration, the Department of Energy endorsed that position.

FERC appears eager to accommodate the request of the industry and the administration. Speaking before a utility conference sponsored by EEI on October 27, 1981, FERC Chairman C. M. Butler III, told utility executives that the proposed rule did not go far enough. According to Mr. Butler, consumers, not utilities, should bear the burden of demonstrating that CWIP should not be included in any given rate base.

It is clear, Mr. President, that what began as a narrow exception for CWIP is rapidly becoming a floodgate through which utilities will be permitted to take consumers' money now in exchange for providing them with new service in 8 to 10 years. The American Public Power Association, which represents municipal electric systems that purchase electricity at wholesale rates from private utilities, points out that a broadened CWIP regulation at FERC will add at least \$1.17 billion to the electric bills of consumers each year.

But \$1.17 billion a year is only part of the story. FERC regulates only wholesale sales, which account for approximately 10 percent of all the electricity generated each year in the United States. State public service commissions, which regulate the remaining 90 percent of sales, look to FERC for guidance in many instances. Were a broad CWIP rule adopted by the States, consumers would pay an additional \$12 billion annually without receiving any additional service.

The utility industry has argued that CWIP is needed in order to counter severe financial difficulties. But is that true?

According to Standard and Poor's, over two-thirds of the Nation's utilities have a bond rating of A or better.

George Anders, writing in the November 12, 1981, Wall Street Journal stated that, "electric utility stocks have become one of this year's star performers."

Analysts for Smith Barney Harris Upham recently concluded, "overall, electric stocks for the past year have substantially outperformed the market and fixed income securities. . . ."

Argus Research predicts that "many electric utility stocks will prove attractive vehicles in the period ahead" and "warrant the favorable attention of investors today."

The Washington Post of January 31, 1982, quotes a market forecast by Bache Halsey Stuart Shields, Inc. as

saying, "As the year 1982 unfurls, we are optimistic that a favorable market climate for electric utilities will evolve." Bache predicted that utility stock investors will earn a profit "of close to 18 percent per annum."

Even if, for the sake of argument, we accept the industry's claims of poor financial health, there is still no evidence that allowing CWIP in rate base would improve their condition. The American Public Power Association points out that many utilities have bond ratings of AA in States that do not allow CWIP. Conversely, States that allow CWIP have utilities with bond ratings of BBB. Standard and Poor's lists the quality of utility management and State regulation, not CWIP, as the two most important factors in rating a utility's bonds.

Allowing a utility to place CWIP in its rate base would only heighten the opportunity for bad management decisions. CWIP would increase a utility's rates without consideration being given to whether a utility's management made a prudent investment in going forward with the construction of a new generating facility. If a utility can immediately recoup its costs and earn a profit on new construction, there is no incentive to hold down costs or to explore less costly alternatives, such as increased power pooling and wheeling, as well as innovative load management and conservation programs.

It is time, Mr. President, to put an end to this ever widening loophole through which consumers will be forced to pour billions of dollars each year. It is time to return to the "used and useful" principle established by the Supreme Court almost 100 years ago by making certain that consumers are not required to pay for the cost of a new facility until it is complete and service is being provided.

I urge my colleagues to join me in support of this legislation.

By Mr. HEFLIN:

S. 2293. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income subsistence payments to certain law enforcement officers; to the Committee on Finance.

SUBSISTENCE PAYMENTS TO CERTAIN LAW ENFORCEMENT OFFICERS

Mr. HEFLIN. Mr. President, I am pleased today to introduce legislation which would allow State troopers, and other State law enforcement officers, to exclude from gross income subsistence allowances paid to them by the State.

For many years now, in Alabama, our State troopers and other State law enforcement officers have been given a subsistence allowance provided by statute of \$5 per day. This cash allowance, which is generally used for meals, is not viewed by the State as compensation. It is considered a reim-

bursment for work-related expenses which are vital to the performance of the troopers' duties.

Section 119 of the Internal Revenue Code, which was enacted in 1954, excludes from an employee's gross income the value of employer-furnished meals if they are provided for the employer's convenience, on its business premises, and for substantially noncompensatory reasons. For several years, this provision was interpreted to include subsistence allowances paid to State troopers.

In 1972, the Internal Revenue Service ruled that subsistence allowances provided to State troopers do not fall within this statute and, therefore, may not be excluded from gross income for taxable purposes. The U.S. Tax Court reviewed the Service's decision and, with six members dissenting, also held against the troopers. While the Tax Court conceded that the meal allowances were furnished because it was more convenient to provide a meal allowance than to provide meals for the troopers, the court interpreted section 119 as excluding from tax meals received in kind, and not meal allowances. The case was then taken before the U.S. Court of Appeals for the Third Circuit. The appeals court agreed with the troopers' contention that such meal allowances are not taxable income. However, the Supreme Court, in Commissioner against Kowalski, reversed the appeals court ruling and declared that meal allowances paid to State troopers are taxable income and do not fall within section 119 of the code.

The Internal Revenue Service applied the Kowalski decision retroactively and held State troopers liable for taxes on their meal allowances back through 1971. The retroactive enforcement of that decision would have resulted in severe financial hardships for State troopers had it not been for the efforts of the late Senator Jim Allen of Alabama. Senator Allen sought to alleviate this financial burden, which would have proved disastrous to most troopers, by introducing legislation to exclude from taxable income the statutory subsistence allowance paid to State law enforcement officers. Through his efforts, legislation was passed amending section 119 of the Internal Revenue Code stating that Kowalski could not be applied retroactively by the Internal Revenue Service. However, the provisions of Senator Allen's bill which dealt with the prospective application of Kowalski were not adopted.

Mr. President, I do not believe it was the intent of Congress to exclude subsistence allowances to State troopers from section 119. The purpose behind this section is to allow an employer to provide meals to employees for substantially noncompensatory employ-

ment related reasons. The regulations for this section state that a noncompensatory purpose exists where employees must be present to deal with emergencies during work hours. It is unfair and unjust to exclude a State trooper's subsistence allowance from the benefits of this important provision of the Tax Code simply because meals are not provided on official premises and are in the form of an allowance.

Alabama, and many other States, instituted the cash allowance system in order to permit troopers to remain on call in their assigned patrol areas during their break. Often, the troopers' law enforcement duties carry them far from home. Since these officers are assigned on a countywide basis, many cannot return to their offices or homes for meals because of their responsibilities. An officer cannot call for relief at mealtime if his duties demand his presence. In fact, it is not uncommon for a trooper to order a meal and then be called away for an emergency before the meal is even set before him. He must remain at accident scenes, at scenes of disorder, at traffic congestion, at crime scenes, often eating a sandwich as he runs to an emergency call.

There can be little question that our State troopers perform one of the most difficult and demanding jobs imaginable. Our citizens' safety and well-being depend on their swift action in enforcing the law. State troopers take their meals only when and where the time allows because of the nature of their jobs. In essence, these officers must serve their State's needs before then can serve their own. I see no reason why this allowance for meals should not be excluded from their taxable income.

The bill I am introducing today would simply amend section 119 to specifically provide that subsistence allowances to State troopers are not taxable. I feel strongly that there is every need for this legislation, which will aid the State law enforcement officers of our Nation. Let me stress that this bill will benefit not only the State troopers in Alabama, but also those law enforcement officers of every State who receive subsistence allowances.

In conclusion, Mr. President, I urge the support of my colleagues for this legislation, and ask for its timely consideration, and I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2293

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (b) of section 119 of the Internal Revenue Code of 1954 (relating to special

rules with respect to meals and lodging furnished for the convenience of the employer) is amended by adding at the end thereof the following new paragraph:

"(4) SUBSISTENCE PAYMENTS TO CERTAIN LAW ENFORCEMENT OFFICERS.—

"(A) IN GENERAL.—There shall be excluded from the gross income of a law enforcement officer an amount equal to the amount paid to such officer by his employer for meals if such payment is—

"(i) required or authorized by the laws governing the employment of such officer, or

"(ii) required by a contract negotiated in accordance with such laws.

"(B) \$5 PER DAY LIMITATION.—The amount excludable from gross income under subparagraph (A) shall not exceed five dollars per day.

"(C) LAW ENFORCEMENT OFFICER.—The term 'law enforcement officer' means an individual who—

"(i) is an elected or appointed, full-time employee of a State, a political subdivision of a State, or a territory or possession of the United States,

"(ii) has the power of arrest, and

"(iii) is required by the terms of his employment to investigate, apprehend, or detain individuals suspected or convicted of criminal offenses."

"(b) The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1981.

By Mr. JOHNSTON (for himself and Mr. LONG):

S. 2294. A bill to provide for the settlement of the land claims of the Chitimacha Tribe of Louisiana, and for other purposes; to the Select Committee on Indian Affairs.

CHITIMACHA CLAIMS SETTLEMENT ACT

Mr. JOHNSTON. Mr. President, I am pleased to introduce today with the senior Senator from Louisiana companion legislation to H.R. 5358 introduced earlier this year by Congressman TAUIZIN to settle the Chitimacha land claim.

A federally recognized tribe, the Chitimachas have, since time immemorial, owned and occupied parts of the present State of Louisiana and were one of the larger aboriginal groups in Louisiana at the beginning of the European settlements. Both French and Spanish sovereigns recognized the Chitimachas and their right to the lands they occupied. Moreover, this sovereign protection was carried forth in the Louisiana Purchase Treaty and the Indian Nonintercourse Act (25 U.S.C. sec. 177).

Since 1977, seven class action suits were initiated by the tribe in the eastern, middle and western Federal district courts to recover recognized and aboriginal title to over 1 million acres of land in St. Mary, Iberville, Ascension, St. Martin, Iberia, and Assumption Parishes. Unlike other eastern land claims, these claims are based on the loss of property to individuals, rather than on a taking by the State. These suits are being held in abeyance pending the outcome of legislation

pending in the House and the bill I am introducing today.

The compromise contained in this measure provides for a Federal appropriation of \$7.5 million to be used by the tribe to purchase additional land for the present 250-acre reservation and for tribal development. The legislation will also extinguish all Chitimacha land claims and provide clear title to the defendant landowners.

All parties—the Chitimacha Tribal Council, the various defendants, the State of Louisiana, and the landowners associations—support this compromise. I believe this is a fair settlement and I urge the Senate to act on it as quickly as possible.

By Mr. HATCH (for himself and Mr. DeCONCINI):

S. 2297. A bill to amend title 11, United States Code, to improve the protection for shopping centers and their tenants under the Bankruptcy Code; to the Committee on the Judiciary.

SHOPPING CENTER TENANTS IMPROVEMENTS ACT OF 1982

Mr. HATCH. Mr. President, I rise today to introduce the Shopping Center Protection Improvements Act of 1982, a bill which is designed to implement needed changes in the Bankruptcy Reform Act of 1978.

REASONS FOR THE BILL

Mr. President, in 1978, Congress enacted the Bankruptcy Reform Act, which included the Bankruptcy Code. The new code makes numerous substantive changes in the law of bankruptcy and in the administration of debtor's estates.

One of these changes adversely affected the ability of shopping centers to protect their interests and the interests of their nonbankrupt tenants in the event of the bankruptcy of any tenant. Prior to the enactment of the code, in the case of the bankruptcy of a tenant, a shopping center was able to protect these interests by enforcing lease clauses permitting the lessor to regain control of the lease. This was done by terminating the lease, changing it to a month-to-month tenancy, waiving or terminating an option to renew the lease, or terminating the lease if the debtor was unable to maintain a certain sales volume or net worth. Such provisions enabled the shopping center to avoid the adverse consequences of vacancies, curtailed operations, or assignment to tenants with inappropriate uses.

Under the Bankruptcy Code, such clauses were made unenforceable. However, Congress recognized the unique nature of the relationship between the shopping center and its tenants, and among the tenants of the shopping center. In order to protect the shopping center and its nonbankrupt tenants regarding the assumption

or assignment by a trustee or debtor in possession of an unexpired lease, Congress included in the code requirements that the trustee makes certain specified assurances of future performance under the lease.

Unfortunately, however, in practice, these assurances have not proved adequate to provide the protections which Congress intended. This situation has only recently come to light because significant numbers of tenant bankruptcies were not filed until last year and because it was not apparent until several months after these bankruptcy petitions were filed that the protections of the code were not working. Therefore, it is appropriate to amend the code to strengthen those provisions and thereby provide the protections which Congress intended in 1978. This would be accomplished by amending sections 365 and 362 of the code.

The amendment to section 365 would accomplish the following:

First, impose a 60-day limit on a trustee's acceptance or rejection of an unexpired lease in all bankruptcy cases, with the right to request additional time for cause. If the premises are not vacated within 30 days after a court order, the trustee will be required to perform all of the obligations under the lease currently.

Second, require the trustee to perform all of the obligations of the tenant under the lease, including payment of rent and other charges specified in the lease, until the lease is assumed or rejected.

Third, delete the word "substantially" from the provisions requiring that an assignment of a shopping center lease would not breach other agreements and would not disrupt tenant mix.

Fourth, require the trustee to find that an assignee of a shopping center lease would have a financial standing similar to that of the original tenant.

Fifth, allow the lessor, in the event of a lease assignment, to require his customary security deposit from the new tenant.

Sixth, clarify that any assignment of a lease is subject to all of the provisions of the lease being assigned as well as assuring no breach in any other relevant document.

Seventh, provide that the special provisions for assignment of shopping center leases apply whether or not there has been a default under the lease.

Eighth, clarify that leases that have been terminated under State law will not be treated as property of the debtor subject to bankruptcy.

The amendment to section 362 would delete from the automatic stay provisions of that section, a proceeding to obtain possession of property subject to a lease which has expired

by its own terms without regard to the bankruptcy proceedings.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2297

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Shopping Center Protections Improvements Act of 1982."

Sec. 2. Section 365 of title 11, United States Code, is amended to read as follows:

"(a) Except as provided in sections 765 and 766 of this title and in subsections (b), (c), and (d) of this section, the trustee, subject to the court's approval, may assume or reject any executory contract or unexpired lease of the debtor. The trustee shall timely perform all the obligations of the tenant arising from and after the date of the order for relief, under an unexpired lease (including payment of the rent and other charges specified in such lease) until such lease is assumed or rejected, notwithstanding the provisions of § 503.

"(b)(1) If there has been a default in an executory contract or unexpired lease of the debtor, the trustee may not assume such contract or lease unless, at the time of assumption of such contract or lease, the trustee—

"(A) cures, or provides adequate assurance that the trustee will promptly cure, such default;

"(B) compensates, or provides adequate assurance that the trustee will promptly compensate, a party other than the debtor to such contract or lease, for any actual pecuniary loss to such party resulting from such default; and

"(C) provides adequate assurance of future performance under such contract or lease.

"(2) Paragraph (1) of this subsection does not apply to a default that is a breach of a provision relating to—

"(A) the insolvency or financial condition of the debtor at any time before the closing of the case;

"(B) the commencement of a case under this title; or

"(C) the appointment of or taking possession by a trustee in a case under this title or a custodian before such commencement.

"(3) For the purposes of paragraph (1) of this section and paragraph (2)(B) of section 1, adequate assurance of future performance of a lease of real property in a shopping center includes adequate assurance—

"(A) of the source of rent and other consideration due under such lease with a financial standing, including guarantors, similar to that of the original tenant when the lease was executed;

"(B) that any percentage rent due under such lease will not decline substantially;

"(C) that assumption or assignment of such lease is subject to all the provisions thereof, including (but not limited to) provisions such as a radius, location, use, or exclusivity provision, and will not breach any such provision contained in any other lease, financing agreement, or master agreement relating to such shopping center; and

"(D) that assumption or assignment of such lease will not disrupt any tenant mix or balance in such shopping center.

"(4) Notwithstanding any other provision of this section, if there has been a default in

an unexpired lease of the debtor, other than a default of a kind specified in paragraph (2) of this subsection, the trustee may not require a lessor to provide services or supplies incidental to such lease before assumption of such lease unless the lessor is compensated under the terms of such lease for any services and supplies provided under such lease before assumption of such lease.

"(C) The trustee may not assume or assign any executory contract or unexpired lease of the debtor, whether or not such contract or lease prohibits or restricts assignment of rights or delegation of duties, if—

"(1)(A) applicable law excuses a party, other than the debtor, to such contract or lease from accepting performance from or rendering performance to the trustee or an assignee of such contract or lease, whether or not such contract or lease prohibits or restricts assignment of rights or delegation of duties; and

"(B) such party does not consent to such assumption or assignment; or

"(2) such contract is a contract to make a loan, or extend other debt financing or financial accommodations, to or for the benefit of the debtor, or to issue a security of the debtor.

"(3) such contract or lease has been terminated under state law prior to the order for relief.

"(d) In all cases under this title, if the trustee does not assume or reject an executory contract or unexpired lease of the debtor within 60 days after the order for relief, or within such additional time as the court, for cause, within such 60-day period, fixes, then such contract or lease is deemed rejected, and in the case of a lease, the court shall order the premises to be vacated immediately. If the premises are not vacated within 30 days after such order, the trustee shall perform all of the obligations under such lease currently. Acceptance of such performance shall not constitute a waiver or relinquishment of the lessor's rights under the lease or Bankruptcy Code.

"(1) If an unexpired lease is assigned pursuant to this section, the lessor of the property may require a deposit or other security for the performance of the obligations under the lease substantially the same as would have been required by the landlord upon the initial leasing to a similar tenant."

Sec. 3. Section 362(b) is amended by adding a new paragraph (9) to read as follows—

"(9) under subsection (a) of this section, of a proceeding to obtain possession of property subject to a lease which has expired by virtue of its own terms without regard to the bankruptcy proceedings.

ADDITIONAL COSPONSORS

S. 1698

At the request of Mr. DENTON, the Senator from Massachusetts (Mr. TSONGAS), and the Senator from Washington (Mr. JACKSON) were added as cosponsors of S. 1698, a bill to amend the Immigration and Nationality Act to provide preferential treatment in the admission of certain children of U.S. Armed Forces personnel.

S. 2000

At the request of Mr. DOLE, the Senator from Nevada (Mr. LAXALT) was added as a cosponsor of S. 2000, a bill

to amend title 11, United States Code, to establish an improved basis for providing relief under chapter 7, and for other purposes.

S. 2155

At the request of Mr. KASTEN, the Senator from Wyoming (Mr. WALLOP) was added as a cosponsor of S. 2155, a bill to require a foreign country be declared to be in default before payments are made by the U.S. Government for loans owed by such country or credits which have been extended to such country which have been guaranteed or assured by agencies of the U.S. Government.

S. 2158

At the request of Mr. DANFORTH, the Senator from Alabama (Mr. HEFLIN), the Senator from Georgia (Mr. NUNN), and the Senator from Kansas (Mrs. KASSEBAUM) were added as cosponsors of S. 2158, a bill to amend title 23, United States Code, to authorize and direct the payment of an incentive grant for highway safety programs to any State in any fiscal year during which the statutes of the State include certain provisions relating to driving while intoxicated; to establish a national driver register, and for other purposes.

S. 2159

At the request of Mr. DANFORTH, the Senator from Alabama (Mr. HEFLIN), the Senator from Georgia (Mr. NUNN), and the Senator from Kansas (Mrs. KASSEBAUM) were added as cosponsors of S. 2159, a bill to amend the Bankruptcy Act to provide that judgment debts resulting from a liability which is based on driving while intoxicated shall not be discharged.

S. 2174

At the request of Mr. THURMOND, the Senator from California (Mr. CRANSTON), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Illinois (Mr. DIXON), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Delaware (Mr. BIDEN), and the Senator from Massachusetts (Mr. TSONGAS) were added as cosponsors of S. 2174, a bill to recognize the organization known as American Ex-Prisoners of War.

S. 2226

At the request of Mr. LUGAR, the Senator from South Dakota (Mr. ABDNOR), the Senator from South Carolina (Mr. THURMOND), the Senator from Mississippi (Mr. COCHRAN), the Senator from Pennsylvania (Mr. SPECTER), the Senator from North Dakota (Mr. BURDICK), and the Senator from Iowa (Mr. JEPSEN) were added as cosponsors of S. 2226, a bill to amend the National Housing Act to provide for emergency interest reduction payments and for other purposes.

S. 2270

At the request of Mr. LUGAR, the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor

of S. 2270, a bill to amend section II of the Social Security Act to provide generally that benefits thereunder may be paid to aliens only after they have been lawfully admitted to the United States for permanent residence, and to impose further restriction on the right of any alien in a foreign country to receive such benefits.

SENATE JOINT RESOLUTION 161

At the request of Mr. THURMOND, the Senator from Georgia (Mr. MATTINGLY), the Senator from North Dakota (Mr. BURDICK), and the Senator from Minnesota (Mr. DURENBERGER) were added as cosponsors of Senate Joint Resolution 161, a joint resolution to designate the week commencing with the fourth Monday in June of 1982 as "National NCO/Petty Officer Week."

SENATE JOINT RESOLUTION 163

At the request of Mr. KENNEDY, the Senator from Montana (Mr. MELCHER) was added as a cosponsor of Senate Joint Resolution 163, a joint resolution on Nuclear Weapons Freeze and Reductions.

SENATE JOINT RESOLUTION 169

At the request of Mr. HOLLINGS, the Senator from Arizona (Mr. DECONCINI), the Senator from Mississippi (Mr. STENNIS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Arkansas (Mr. BUMPERS), the Senator from Missouri (Mr. EAGLETON), the Senator from Georgia (Mr. NUNN), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Florida (Mr. CHILES), the Senator from North Dakota (Mr. BURDICK), the Senator from North Dakota (Mr. ANDREWS), the Senator from Michigan (Mr. LEVIN), the Senator from Tennessee (Mr. SASSER), the Senator from Connecticut (Mr. WEICKER), the Senator from Indiana (Mr. LUGAR), the Senator from Alaska (Mr. STEVENS), the Senator from South Dakota (Mr. ABDNOR), the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of Senate Joint Resolution 169, a joint resolution to designate the week of April 18, 1982, as "National Architecture Week."

SENATE CONCURRENT RESOLUTION 68

At the request of Mr. MOYNIHAN, the Senator from Tennessee (Mr. SASSER), the Senator from Oregon (Mr. PACKWOOD), the Senator from Oklahoma (Mr. NICKLES), the Senator from Missouri (Mr. DANFORTH), the Senator from Montana (Mr. MELCHER), the Senator from Washington (Mr. JACKSON), the Senator from Michigan (Mr. RIEGLE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Florida (Mrs. HAWKINS), the Senator from Connecticut (Mr. WEICKER), the Senator from Indiana (Mr. QUAYLE), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Massachusetts (Mr. TSONGAS), and the Senator from Maine (Mr. MITCHELL) were

added as cosponsors of Senate Concurrent Resolution 68, a concurrent resolution regarding membership in the United Nations General Assembly.

SENATE RESOLUTION 299

At the request of Mr. WEICKER, the Senator from Texas (Mr. TOWER), the Senator from Illinois (Mr. DIXON), the Senator from Ohio (Mr. METZENBAUM), the Senator from Nebraska (Mr. EXON), and the Senator from South Dakota (Mr. PRESSLER) were added as cosponsors of Senate Resolution 299, a resolution to designate May 4, 1982, as "International Franchise Day."

SENATE RESOLUTION 325

At the request of Mr. DIXON, the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. JACKSON), and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of Senate Resolution 325, a resolution expressing the sense of the Senate that a supplemental appropriation should be enacted to restore full funding of the WIN program.

SENATE RESOLUTION 340

At the request of Mr. ROBERT C. BYRD, the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of Senate Resolution 340, a resolution to express the sense of the Senate that no action be taken to terminate or otherwise weaken the Community Service Employment Program under title V of the Older Americans Act of 1965.

AMENDMENTS SUBMITTED FOR PRINTING

AMENDMENT NO. 1343

(Ordered to be printed and to lie on the table.)

Mr. PRESSLER submitted an amendment intended to be proposed by him relating to budget outlays for Pell grant, guaranteed student loan, and campus-based aid programs.

● Mr. PRESSLER. Mr. President, I am today submitting an amendment which is designed to insure adequate funding for student financial aid programs. The number of letters and phone calls I have received in response to the President's proposals for these programs has been overwhelming. Eighty percent of the postsecondary students in my State of South Dakota received some form of financial assistance during the 1980-81 school year. The message from them has been clear: They could not afford to go to college if the President's proposals were enacted.

Much has been said about waste and abuse in these programs, and I think that in cases in which the student and his or her family can afford to pay for a college education, they should do so. There may be measures which we can undertake to tighten up eligibility standards in some of these programs. Across-the-board cuts such as those

that have been proposed, however, do not solve this problem.

Low- and middle-income students will be unjustly penalized if this Congress approves the administration's proposals for student financial aid. It has been estimated that in South Dakota alone, the number of students receiving Pell grants would drop from over 13,000 to some 8,000. Nationally, over 1 million students would be eliminated from this program. In addition, severe cuts in the guaranteed student loan and campus based aid programs would destroy all hope of a college education for many more students. I do not think that we in Congress wish to send the message to our constituents that we no longer care about the education of this country's youth. I firmly believe that these programs are some of the best investments that we can make in the future, and I will do all that is within my power to see that they are restored to adequate funding levels.●

AUTHORITY FOR COMMITTEES TO MEET

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations, of the Governmental Affairs Committee, be authorized to meet during the session of the Senate at 10 a.m., on Wednesday, March 31, to discuss the Federal Employees Compensation Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Monday, March 29, at 10 a.m., to hold a hearing on the food stamp reauthorization program for fiscal year 1983.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, March 31, at 10 a.m., to hold a markup of S. 2109, a bill reauthorizing the Commodity Futures Trading Commission, and other pending legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SOIL AND WATER CONSERVATION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Soil and Water Conservation, of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Tuesday, March 30, at 10:30 a.m., to hold a hearing to review the

administration's proposed soil and water conservation program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON REGIONAL AND ECONOMIC DEVELOPMENT

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Regional and Economic Development of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Monday, March 29, at 1 p.m., to hold a hearing on the status of the Appalachian Regional Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY CONSERVATION AND SUPPLY

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Energy Conservation and Supply of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, March 30, at 9 a.m., to hold an oversight hearing to discuss the budget for energy conservation and related programs within the jurisdiction of the subcommittee.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

A STRONG STEP IN THE RIGHT DIRECTION

● Mr. PELL. Mr. President, the Senate Commerce Committee today unanimously reported S. 2158, a bill I have sponsored with Senator DANFORTH to encourage the States to mount a comprehensive attack against the Nation's No. 1 highway safety problem—drunk driving. No State or region is spared the loss of life and crippling injury brought about by drunk drivers, who are responsible for at least half of the 50,000 to 55,000 deaths that occur on our highways each year.

The legislation adopted by the Commerce Committee is a major step in the direction of improved highway safety for all Americans. It provides the incentive for each State—through modest highway safety grants—to enact stronger laws and establish comprehensive programs dealing with this problem. In order to obtain the additional highway safety grant, each State must meet several minimal—but absolutely essential—alcohol safety standards, specifically:

First. Provide for the automatic, administrative suspension of the license of any driver found operating a vehicle while under the influence of alcohol, as determined by a breath or blood test. The mandatory suspension must be for a 90-day period for the first in-

cident, and at least 1 year for the second and subsequent offenses.

Second. Provide for the administrative impoundment of any vehicle operated by a person whose driving privilege has been suspended for drunk driving.

Third. Provide for a minimum, 48-consecutive-hour jail sentence, which cannot be suspended or probated, for any person convicted of drunk driving for a second time within a 5-year period.

Fourth. Provide for the enactment of comprehensive alcohol safety programs, including programs designed to achieve better enforcement of drunk driver laws, alcohol treatment programs for problem drinkers, and improved State record systems capable of identifying repeat offender drunk drivers.

Fifth. Establish a blood alcohol content of 0.10 percent as conclusive, per se proof of intoxication.

These minimum standards are the essential elements of a comprehensive attack on the drunk driving problem in each State. They provide the police, prosecutors, and judges with the weapons they need to keep drunk drivers off our highways.

The supplement these provisions, title II of S. 2158 brings about the long-overdue computerization of the National Driver Register. This now dormant system allows motor vehicle registrars to identify new license applicants whose driving privilege has been suspended or revoked in other States. Replacing the archaic mail system currently in use with constantly updated computer records will allow State motor vehicle registrars to identify drivers with bad records in other jurisdictions—and prevent them from obtaining a new license simply by crossing State lines.

Mr. President, I commend Senator DANFORTH for his able leadership of this legislation in the Commerce Committee, which adopted the bill unanimously less than 4 weeks after Senator DANFORTH introduced S. 2158 on March 2. This bill has been cosponsored by Senators BOSCHWITZ, PACKWOOD, PRESSLER, GLENN, GOLDWATER, MOYNIHAN, FORD, HEFLIN, and HOLLINGS. I would urge all of my colleagues to join with us in sponsoring this legislation, and seeking prompt Senate passage of this very reasonable approach to reducing the decades of needless slaughter on our highways caused by the actions of drunk drivers.●

VIETNAM VETERAN MEMORIAL

● Mr. CHAFEE. Mr. President, last Friday, March 26, groundbreaking ceremonies for the memorial to Vietnam War veterans took place here in Washington. Such a memorial is long

overdue, and I am happy to see that construction has finally begun.

The design of this memorial, as we all know, had created some controversy, but those controversies are behind us now. We should not let some minor differences over the design obscure the fundamental significance and importance of this memorial, which is to honor those who served—and especially those who gave their lives—in the war in Southeast Asia.

Mr. President, the State of Rhode Island was represented at the groundbreaking by Mr. Thomas Suprock, a Vietnam veteran who is partially disabled as a result of a shrapnel wound received in Vietnam. His thoughts on being selected for this task were published in the Providence Journal on March 25, 1982. I believe his ideas are a profound statement on this matter and are worthy of the attention of the Senate. I ask that his statement be reprinted in the RECORD at this point.

The statement follows:

[From the Providence Journal, Mar. 25, 1982]

VIETNAM VETERAN MEMORIAL
(By Thomas G. Suprock)

I have had the great honor of being asked to represent Rhode Island at the groundbreaking ceremony for the Vietnam Memorial in Washington, D.C. Of course, I accepted the offer made by the gentleman acting as the regional coordinator of this event by the Vietnam Veterans Memorial Commission. I realized the responsibility of representing a state with the highest veteran per capita ratio in the country.

My intent is to represent the Vietnam Veterans of Rhode Island with the greatest dignity and respect possible. There has been much said, pro and con, about the design and location of the memorial, but now further arguments are meaningless. The official groundbreaking will be held tomorrow and construction will begin immediately thereafter.

The memorial will bring honor and respect to more than 58,000 who did not return from Southeast Asia. As a 40 percent disabled combat helicopter pilot, I don't need a memorial to remember their sacrifices, as I am sure no other Vietnam vets or their families need to be reminded. But certainly the people of this country do, now and 300 years from now.

For myself, this dedication has a singular meaning; for all those who served, dead and alive. There is no political statement involved. I will represent Rhode Island with the greatest pride and solemn humility befitting the event. ●

ST. PATRICK'S DAY IN SOUTH BOSTON

● Mr. TSONGAS. Mr. President, on St. Patrick's Day in South Boston there is an event that deserves recognition. It is the annual breakfast of corned beef and cabbage, beer and barbs presided over by the Honorable William M. Bulger, president of the Massachusetts Senate.

This 3-hour marathon of hot food, cold beer, and jokes in between was recently featured in the Boston Globe. I

believe that Chris Black, the Globe writer, did an admirable job of capturing the spirit of this unique happening and the spirit of Billy Bulger—who is a Massachusetts institution himself. Mr. President, I ask that this article be printed in the RECORD.

The article follows:

[From the Boston Globe, Mar. 15, 1982]

BULGER HAS HIS WAY IN SOUTHIE
WHITE, THE GLOBE TARGETS (ALONG WITH OTHERS) AT TRADITIONAL BREAKFAST
(By Chris Black)

The Senate President looked incredulous; the mayor looked pained.

"We in South Boston are so honored. He is here in person," said Senate President William M. Bulger. Sarcasm wrapped every syllable. Boston Mayor Kevin H. White smiled wily.

"Mr. Mayor, you're as popular as scarlet fever," Bulger said. He began to warm to the subject. "My wife Mary is here. She never had a mayor for breakfast before."

Bulger served up Mayor Kevin H. White with the traditional corned beef and cabbage at his annual St. Patrick's Day celebration of beer and barbs at the Bayside Club in South Boston. When he finished with White, Bulger roasted the three Democratic gubernatorial candidates: Gov. Edward J. King, former governor Michael, S. Dukakis and Lt. Gov. Thomas P. O'Neill 3d; The Boston Globe, and any legislator, judge, political candidate or civil servant unlucky enough to catch his eye. For those in the overcrowded function hall, it was three hours of nonstop one-liners, Irish songs and Irish stories.

Bulger seemed delighted to see the mayor. "You are like a delicious hors d'oeuvre," he said. White rarely attends political functions other than his own. Unlike nearly every other prominent Democratic politician in Massachusetts, he never attends Bulger's annual St. Patrick's Day party.

"I cannot believe it," marveled Bulger. He looked at White again to make sure his eyes weren't playing tricks on him. "You know, you're crazy coming over here. Are you smoking or what?"

"Tell us what is ahead for Bawston," asked Bulger in an exact mimicry of White's accent.

"Would you like to sing a song, Mr. Mayor, so you can remember when you were Irish?" asked Bulger before launching into a rousing chorus of "Rising of the Moon."

"Enjoy your meal, Mr. Mayor," he said as the waitresses began to pass out plates of corned beef. "It's your last."

White sensed trouble right away. He said he left his wife, Kathryn, and children at home, "saying the rosary so I'll return alive."

Then the mayor decided to dish out a few lines of his own. "I think Billy is nervous that I might run one of my guys against him," he suggested alluding to the plethora of mayoral-backed legislative candidates of previous election years. All of White's candidates have lost. Bulger feigned great concern.

Of the state Legislature, White said, "How could you not like a lot of guys whose motto is Live Free or Die."

He had an answer for critics who complain about Deputy Mayor Katherine Kane's free lunches. "She can't help it, she's a former rep."

"Actually," conceded White, "Billy is being pretty easy on me."

"So far," interjected House Speaker Thomas W. McGee, who looked like an Irish leprechaun in a Kelly green hat, tie, sweater, jacket and white trousers with green shamrocks.

If White was the hors d'oeuvre, The Globe was the main course. "Have you read The Globe today?" asked Bulger, parroting the Globe's advertising jingle. "Then why do you look confused?"

He used White, who has been endorsed by The Globe on occasion, as his straight man. "They were with you, weren't they," he accused White. "Own up to it."

"They don't like nepotism at the Globe. Ask any of them, John Taylor, Davis Taylor, William Taylor, the June Taylor dancers," he added. [The Taylor family owns The Globe.]

He mentioned the \$100 contribution made to the Dukakis campaign by Elizabeth Winship, the author of The Globe's Ask Beth column and wife of The Globe's editor. [Saying she wanted to avoid embarrassing the paper, Mrs. Winship requested that the donation be returned. It was.]

After describing her as a "sex consultant at The Globe" he noted, "She must be quite a woman because she got the \$100 back. Anybody who gets a C note from Dukakis is good. I'd find it easier to touch the third rail."

A mock front page of The Globe featuring a huge photograph of Mrs. Winship was presented to King, who is suing the newspaper, two of its columnists, and its editorial cartoonist. The headlines read: Probe Started on Winship Campaign Gift. Winship Fails to Return Phone Calls. Beth Winship Declines Interview. Beth Winship says—Don't Ask Me.

Then Bulger spotted Martin F. Nolan, editor of The Globe's editorial page. He invited him to the microphone. Nolan looked as though he would rather be somewhere else. But he valiantly offered a few quips of his own.

"Pretty tough without Szep, isn't it," asked Bulger with a leer. [Szep is The Globe's editorial cartoonist.]

Nolan looked down at former California Sen. George Murphy, a special guest yesterday, and sighed, "I wish I worked for the LA Times."

"This bum went to BC now he's got an accent," Bulger called out. Nolan gave up. As a St. Patrick's Day present, he said, "The Globe will endorse Bill Bulger for anything he wants."

Others destroyed by a deft one-liner were: John Winthrop Sears, the former Boston city councilman and current Republican candidate for governor. "I never met a Protestant this early in the morning."

Secretary of State Michael J. Connolly who "landed on the roof." "Don't worry. I'll hold your hand so you won't blow away."

Lt. Gov. O'Neill who is "mooching along on the good name of his father, Dapper O'Neill . . . I told Tip, if Tommy makes it, it will be further proof of the power of prayer. Tip said to me, 'Look, if anything happens to me, tuck him away in the Boston Housing Court.'"

O'Neill rejoined, "I don't mind being the fire hydrant to Billy's kennel."

"If you were my boy you'd get a good spanking," scolded Bulger. "Lucky thing for you, O'Neill, your father never had a lap. You could end up on the Housing Court, kid." O'Neill's father is House Speaker Thomas P. O'Neill Jr.

Impressed by Bulger's performance, Murphy, the former movie actor and Sena-

tor, said, "If Billy had got to Hollywood ahead of Jimmy Cagney. Jimmy never would have made it." ●

MORE VISION NEEDED IN PUBLIC POLICY

● Mr. BAUCUS. Mr. President, I insert today two articles from yesterday's Washington Post highlighting a growing lack of vision by our Nation's policymakers.

The first article, written by Haynes Johnson, focuses on the plight of a senior civil servant in the U.S. Department of Labor who was recently "rified."

The second article, from the Sunday Post's business section, discusses recent cutbacks in a high technology firm in Bethesda, Md.

Allow me to describe briefly both articles and to explain why they should be looked at together.

Mr. Johnson's article presents a brief analysis of the growing political movement against Federal civil service servants. He is correct when he says that the last two Presidents ran effective campaigns against the Washington bureaucracy. And these campaigns were not run in isolation. Indeed, outside of the Washington, D.C., metropolitan area, it is a rare political candidate who can successfully run supporting Federal employees. But just because it may be good politics to run against the Federal bureaucracy, it certainly does not mean it is good public policy.

Quite frankly, I am alarmed at the number of first-rate civil servants who are electing for early retirement. I recently saw figures indicating that the percentage of civil servants who elected early retirement has risen over the past 10 years from a relatively small percentage to nearly 100 percent.

When I came to Washington, I expected to see a lot of lazy, uninformed, unimaginative, unresourceful, and unresponsive civil servants. Not surprisingly, I did see some. What did surprise me was that stereotype of the lazy, wasteful Federal employee was the exception and not the rule.

Over the past 50 years our Nation's universities have produced some of the top public policy analysts in the world. Public service in the 1930's, 1940's, 1950's, and even the 1960's was not a dirty word. However, beginning with the antiwar movement in the late 1960's and continuing on through the Watergate revelations and then to the Presidential campaigns of 1976 and 1980 there has emerged a very strong negative bias against public service. If that bias succeeds in keeping the best of our Nation's young policy analysts from entering Government, and if the trend continues where our best managers now in public service opt for early retirement, we will have seen laid to waste an extraordinarily effective Federal bureaucracy.

There is an old saying that a chain is only as strong as its weakest link, and I am concerned that the ability of the Federal Government to respond to crises may be filled with weak links unless there is a change of attitudes toward the value of public service.

Many residents of Fort Wayne, Ind., responded favorably in earlier campaigns to political promises to "get government off their backs." However, I suspect today that many of these same residents are grateful that the Federal Government and its employees have responded so quickly to the ravaging damage caused by recent floods.

I would be the last to say that the Federal Government is without its faults. However, I will be among the first to say that we need a Federal Government, and we need to have the best people—the most honest, the best educated, the most responsive and efficient—working for the Federal Government. If present trends continue, we will fall far short of that goal.

HIGH TECHNOLOGY

The second article, which deals with the recent reorganization of a genetic engineering firm, dramatically reveals how the "bottom line" stock market mentality of investment analysts requires visionary business executives to limit the scope of their operations. While I know almost nothing about the operation of genetic engineering companies, it would seem to me that the research done by such companies is essential to keep the United States on the worldwide "cutting edge" of technological innovations. Yet, this article seems to applaud the recent decision to lay off more than one-third of a company's employees and to cancel most of its long-term research projects. To me, that does not sound like a decision that will improve America's position in high technology research.

I do not mean to suggest that it is not a good thing to have profits. I do mean to suggest that something must be wrong when a society encourages behavior that avoids effective planning for the future.

And that is what the two articles have in common. They both highlight the potential problems that decision-making for the short term—for the politically expedient, for the financially expedient—will have on our Nation's long-term capacity to compete in international commerce.

Mr. President, at this point I include both articles in the RECORD.

The articles follow:

WASTE IN THE U.S. GOVERNMENT: WASTING THE CIVIL SERVANTS

(By Haynes Johnson)

Burke Walsh is a friend of long-standing, and, as always with true friends, it doesn't really matter whether you continue seeing each other. In the nature of our busy lives, years have passed without contact. Still we

find ourselves easily picking up the threads of the old friendship when thrown together again.

I say this up front to acknowledge that what I write about Burke here is colored by that personal relationship.

We first met, as members of the same platoon, falling out of the same barracks during infantry basic training at Indiantown Gap, Pa., more years ago than I care to recall. Aside from being new draftees just out of college, we had other things in common, among them an interest in history and writing. I much appreciated his wry and humorous, yet thoughtful, cast of mind. We became close. Then, in the way of the Army, we separated. Burke stayed in the infantry. While I made a bypass for further artillery training, he went directly to the front lines in Korea. Some years and many experiences later we found ourselves in Washington, both married, starting families, and in different lines of work. Occasionally our paths would cross; more often they would not.

I recite this background only because I have known him well enough to be able to persuade him to talk openly about the painful situation in which he now finds himself. He agreed to do so, at my urging, because he knows his case is far from uncommon and believes useful lessons may be drawn from it. Typically, he speaks with remarkably little bitterness and anger, considering his circumstances, and from a broad perspective.

His story deserves telling for other compelling reasons.

Aside from the personal anguish he and his family are experiencing, the example of Burke Walsh illuminates a critical public question: the working of the federal government. It underscores one of the Reagan administration's blackest marks, the mindless wholesale destruction of the career public service, one I believe will cause damage to the country for years to come.

Two weeks before Christmas, Burke was informed he would be dismissed from his federal government job, effective New Year's Eve.

He was a victim of a sweeping government reduction in force—or RIF, in Washington parlance—sharply cutting back the Labor Department's Employment and Training Administration, the so-called CETA program. In particular, the information office in which he was working was being drastically reduced in size. He, and others, were out.

The dismissal meant more than the loss of his \$50,000, Grade 15 government job, with all the obvious hardship for his family, the children's education, the mortgage payments and the rest. It meant the end of a government career for which he had been recruited, and in which he had performed well.

And, Burke quickly found out, it also meant a severe problem he had not anticipated. Including his Army time, he has 17 years of government service, three years shy of qualifying for a pension. Yet, under the present system, he will not be eligible for any pension payments for nine more years when he reaches the age of 62.

What's more, he has found the government is singularly unconcerned about what happens to the career people it is dismissing, for no fault of their own.

"To my knowledge," he says, "there is absolutely no real assistance that you get once you are dismissed. No official representative of the government has ever contacted me. There has never been any official

prescription of jobs or availabilities afforded me from the government for placement. There is no effort by the government to help me find jobs in private industry or in government. There's no government-wide policy to help someone in my circumstance, and that is the truth.

"As far as my department is concerned, there was no review of my situation taking into consideration of the length and effectiveness of my service. No one ever really reviewed to see what kind of work I had done. I fitted into a slot that was official and I was dismissed. I had no recourse as far as that dismissal was concerned. There was no consideration of the fact that I was what in the government is called a five-point veteran. My wartime service in Korea did me no service at all. There was no panel that I could go to and say, 'Look, I've been here for 17 years counting my service time. Maybe you'd like to take a look at this thing and ask whether you really intend to dismiss senior officials in their fifties.' But this was not done for me, and it was not done for anyone as far as I know."

Recently, a number of news stories have recounted the obvious personal anguish of people suddenly rified from government service. Burke's is no less severe. Perhaps, though, he expresses the hurt more eloquently than some. He always was good at putting feelings into words.

"There's perhaps an unnecessary but pervading embarrassment that attends this situation," he says. "There's an embarrassment that you personally feel. There's an embarrassment that you feel with your peers and your family. You know they're feeling an embarrassment for you that you try to avoid as far as your dealings with them are concerned."

"You're embarrassed for yourself, and you're embarrassed for them. You can't avoid the feeling that the people around you have the feeling that there was some inadequacy on your part that led to your dismissal. You failed somehow. You failed them, and you failed yourself. All at a point in your career when you can't expect to have to come to grips with failure. You've done all the right things, made all the right moves. You've driven yourself to this point in a career—a career, not a job—and someone comes along and says you've done nothing wrong, but now you're out. And people look at you and they're embarrassed for you, and you are for yourself. It's a two-way street, and it's the damndest two-way street you've ever been on."

"I've talked to people on the phone about this. I've talked to them face to face and, Haynes, this is the God's honest truth, I've had at least three or four people say, to me, 'I could not take it.' They come just short of saying, 'Burke, I don't know how you haven't put a bullet in your head.'"

Burke is a proud man, and he remains proud of what the government has been and should be.

"I come from a family that's been in Washington for 135 years," he says. "They came here from Ireland, through Philadelphia. My great-grandfather was the maitre d' in the Willard Hotel during the Civil War. He was a Confederate, friend of Jubal Early. Used to go out in the weeds and talk to him. That's the last time that we had a subversive in the family that I know of. All of our family have been—well, we've got our military heroes. My grandfather and his group of Emmett guardsmen charged up San Juan Hill with Teddy Roosevelt. Literally did. One of the few people that actually got to

shoot a Spaniard during the Spanish-American War. He went on to the Philippines. My father was in naval intelligence, so I have all kinds of Washington credentials, and rather honorable ones, I would think."

"I have a background that gives a sense of government. I didn't work for Ronald Reagan or Jimmy Carter or anyone else. From the day I came in, I felt that I had an obligation to the United States government. And if you want to know the truth, I feel the United States government has let me down, because I never broke faith with them. I was encouraged to come in. They asked me. I joined the government as a career station in life, not to get rich. I must confess I joined it for the security of government, plus the fact I was told my talents would enhance government."

"As I've said to you before, there is waste in government. There's no question about it. But the way waste has been addressed is abysmal. It's ridiculous. Two administrations in a row have run against the government worker. What they've done is contribute to what they're trying to undo. The danger is that the kind of milieu we're developing now in the government could be translated into a much larger hurt for this nation."

"We've got to stop picking on the government. First of all, we created the government service. This nation created it. It's like the separation of church and state. It's an abiding thing there. It's part of the United States. It's like the Army and the Defense Department which are held in such reverence. It's there. It's part of what makes this whole thing go. Yet we've attacked it like it's a bastard child. If we don't stop this we'll be killing ourselves."

I would not air Burke's story, nor would he want me to, in this space if it were seen only as one more personal account of hardship, valuable though such renderings may be. The larger point involves the damage now being done the government service.

A day will come, if it isn't already here, when the United States will need its most capable citizens to serve. How can the government possibly expect to attract such people when it, and its highest leaders, treat them so miserably?

To ask the question is to answer it.

WEAK GENES: BRL SEES RECOVERY—BUT COMPANY SAYS ITS CLOSE CALL SHOULD BE WARNING TO INDUSTRY

(By Peter Behr)

Until December, Bethesda Research Laboratories Inc. had been one of the wonders of the biotechnology field, its sales multiplying like the busy cells in its genetic experiments.

Then the recession caught up the company and abruptly it began dying. "It could all have been lost," said Stephen Turner, the founder and president of BRL.

The company that Turner and two other employees started in 1976 had sold more than \$10 million in products for genetic research last year, but at year's end it was losing money and becoming dependent on greater and greater infusions of outside financing—a demand that Turner says he couldn't keep up with.

Last month came the amputation. BRL laid off 180 of 460 employees—one-third of its work force—and canceled most of its long-term research projects. It was a devastating blow to a staff that had been expanding rapidly and riding on the highest hopes. "There were a lot of unhappy people," Turner said.

BRL, which operates out of about a dozen locations in Gaithersburg and Rockville, stopped construction on a \$7 million headquarters building in Frederick Research Park and has put its 22-acre site up for sale.

These cutbacks and \$7.5 million in new financing obtained recently have put BRL back on its feet, Turner says. By eliminating speculative research projects whose payoffs were three or more years in the future and concentrating instead on research materials that have an immediate market, BRL is no longer in jeopardy, he adds.

"We did \$1.1 million in sales in February, and that clearly represents growth from January," he said. By June, the company should be profitable again.

But it has had a close call that should be a warning for the 200 other firms in the biotechnology field, he says. "The door is closed for exciting new companies that don't have a fundamental operating history," Turner predicts.

The market for the research materials BRL sells has cooled off because the rapid increase in research labs has slowed down, Turner said. At the same time, the sources of investment funds for new biotechnology ventures are drying up. The publicly owned companies traded on stock exchanges performed below the averages for all stocks last year, ruling out that path for most companies looking for capital. Turner said.

Large corporations are not as interested in taking speculative stakes in biotechnology firms now, when high interest rates make conventional investments so rewarding.

That leaves the vast majority of the biotechnology companies dependent on the specialized venture capital groups that lend money in return for shares of private stock.

In the first blush of enthusiasm for the biotechnology business, companies like BRL could get such equity financing from venture groups that were prepared to wait years for research breakthroughs. Because of the recession, however, this source of equity financing is also disappearing, at least for the foreseeable future, he said.

Turner found himself in a losing race to raise enough money to close the gap between BRL's expanding research costs and its sales revenue. Most of the money BRL raised last year wound up financing operating losses. "It was painfully evident to me at Christmas time that the longer I stayed in the equity markets, the more potentially dangerous it was becoming."

"I was chasing something that was receding from me," Turner said.

With that realization came the conclusion that BRL had tried to grow too fast, he says. "We were trying too many different ways of becoming a large company. We were committed in too many areas."

The biotechnology field was set for a fall because of reckless expansion, says Thomas J. Perkins, chairman of Genentech and a general partner of Kleiner, Perkins, Caulfield & Byers, a venture capital firm. "This crazy, mindless stampede to get into the technology ignored business and patent realities," he told the Wall Street Journal recently.

The cutbacks eliminated much of BRL's research work in genetic engineering, pharmaceuticals and animal products.

BRL maintained its medical diagnostics research, and some genetic and immunology work that is expected to lead to products soon. And it is also continuing to develop materials that will separate the protein products that result from cloning.

"BRL will not be the company that makes interferon," Turner said. "But we will make the separation materials that permits companies to purify interferon."

And BRL will manufacture its newly designed machine that analyzes genetic materials, the first of its kind in the industry, says Turner. The company hopes to sell 300 of them this year at \$11,000 each.

In obtaining \$7.5 million in new private financing, BRL added two members to its board of directors—William H. Janeway of the investment banking firm F. Eberstadt & Co., representing European investors, and Frederick R. Adler, an investor in high technology firms—who will provide aid in BRL's financial management, said Turner.

"Over \$20 million has been put into BRL over the last three years," Turner said. These investors do not have majority of BRL's board, but they have a significant voice in the company's future.

Turner said the new investors did not insist on the sharp reductions in research and personnel, but he was convinced it was necessary to make those steps to demonstrate the company's credibility. "People were impressed the company was able to exercise that kind of discipline and move that fast," he said. Before making the reductions, he consulted BRL's outside scientific advisers, who evaluated the company's research programs, he said. "You can't just fire every third person." The reductions had to follow a plan, or else the remaining employees could not have pulled together. ●

UNANIMOUS-CONSENT AGREEMENT

Mr. BAKER. Mr. President, I am prepared in a few moments to ask the Senate to recess over until tomorrow. Before I do that, I have some few housekeeping chores to attend to, so any Senators who may have further business to transact today may be on notice of the fact that shortly the Senate will recess for the day and will resume its deliberations tomorrow at 9:30 a.m.

Mr. President, I have submitted the request I am about to make for the consideration of the minority leader. I believe it is satisfactory on his side to him and to his side of the aisle. It has been cleared on our side. I will now put the request for the consideration of the Senate.

RESUME CONSIDERATION OF S. 1207 AT 10 A.M. TOMORROW

Mr. President, I ask unanimous consent that after the Senate reconvenes tomorrow at 9:30 a.m. it resume consideration of S. 1207, the Nuclear Regulatory Commission authorization bill, at 10 a.m., and that the Chair lay S. 1207 before the Senate at that time.

Any rollcall votes ordered before the hour of 12 noon on tomorrow be deferred to begin at 2:10 p.m., with the time between 2 and 2:10 p.m. to be equally divided between the Senator from Colorado (Mr. HART) and the Senator from Texas (Mr. TOWER).

At 2:10 any votes ordered shall occur back to back without further debate, point of order, appeal or motion except for a motion to reconsider on

which there shall be no time for debate on any such vote and a motion to table any such motion to reconsider.

RECESS BETWEEN 12 NOON AND 2 P.M. TOMORROW

I further ask unanimous consent that between the hours of 12 noon and 2 p.m. on tomorrow that the Senate stand in recess.

SENATE TO PROCEED TO THE CONSIDERATION OF H.R. 2330

I further ask unanimous consent that after third reading of S. 1207 the Senate proceed without debate to the consideration of the House companion bill, H.R. 2330; that the text of S. 1207, as amended, be substituted without debate for that of H.R. 2330, and that third reading of H.R. 2330 and final passage of the bill follow immediately thereafter without debate, and that the Senate insist on its amendments.

Mr. President, I further ask unanimous consent that in connection with H.R. 2330 no debate, no further amendment, motion, point of order, or appeal shall be in order.

SENATE TO RESUME CONSIDERATION OF HOUSE JOINT RESOLUTION 409

Finally, Mr. President, I ask unanimous consent that when H.R. 2330 is disposed of, S. 1207 be indefinitely postponed, and the Senate without further action resume consideration of the continuing resolution, House Joint Resolution 409, and that no call for the regular order serve to take any of these measures off the floor.

Mr. LONG. Mr. President, reserving the right to object, would the Senator please identify those bills?

Mr. BAKER. Mr. President, S. 1207 is the Nuclear Regulatory Commission Authorization Act, which will be up tomorrow for the consideration of three amendments that remain which could not be disposed of when the matter was addressed last week. House Joint Resolution 409, as the distinguished Senator from Louisiana knows, is the continuing resolution. The bill, H.R. 2330, is the House-passed companion measure to the NRC authorization bill, which is at the desk. These are the measures that were referred to.

Mr. President, I ask unanimous consent that paragraph 4 of rule XII be waived in connection with this rule.

The PRESIDING OFFICER. Without objection, the several requests of the majority leader are granted.

Mr. BAKER. Mr. President, I must say it is almost anticlimactic after putting all those requests. But I am grateful to the Chair and I am grateful particularly to the minority leader and the managers of these measures on both sides of the aisle.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, for a variety of reasons, it is not possible to

finish the continuing resolution today and it is not possible to complete action on the three amendments remaining on the NRC authorization bill. This unanimous-consent request has placed us in a position, I believe, to do, certainly, one of those two bills, and I hope both of those bills, before the close of business tomorrow.

I have indicated on two previous occasions that there is a strong probability that the Senate will be in session late tomorrow. I reiterate now my hope that we can finish the continuing resolution tomorrow, even though we may have to stay late in the evening to do so.

Mr. President, on tomorrow, I will be prepared to initiate and to offer an adjournment resolution, but I do not propose to do that until we have a clearer idea about the outcome of the continuing resolution. I think our responsibility is so clear and our duty is so high in respect to the continuing resolution that I would be reluctant to offer the adjournment resolution until that matter is disposed of. No Member of the Senate, I am sure, will take that as a threat nor intimidation, but rather simply stated as a fact.

(Later the following occurred:)

Mr. BAKER. Mr. President, in connection with the request that I made a few moments ago arranging the sequence of events for the consideration of the NRC authorization bill and the continuing resolution, I would like to add to that request, and I now ask unanimous consent that after third reading of H.R. 2330 and final passage of the bill, the Senate insist on its amendments, request a conference with the House of Representatives on the disagreeing votes of the two houses, and the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Conclusion of later proceedings.)

Mr. BAKER. There is one other matter, Mr. President, that I believe has been cleared by the distinguished minority leader. I refer to a House message on H.R. 5708. Could I inquire of the minority leader if he is prepared for the Senate to proceed to the consideration of that measure?

Mr. ROBERT C. BYRD. Yes, Mr. President, that matter has been cleared on this side.

Mr. BAKER. I thank the minority leader.

NATIONAL HOUSING ACT AMENDMENT

Mr. BAKER. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House on H.R. 5708, a bill to amend section 235 of the National Housing Act.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:
A bill (H.R. 5708) to amend section 235 of the National Housing Act.

The PRESIDING OFFICER. Without objection, the bill will be considered to have been read twice, and the Senate will proceed to the consideration of the bill.

The Senate proceeded to consider the bill.

UP AMENDMENT NO. 856

Mr. BAKER. Mr. President, on behalf of the Senator from Indiana (Mr. LUGAR) and the Senator from California (Mr. CRANSTON), I ask that the clerk report an unprinted amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), on behalf of the Senator from Indiana (Mr. LUGAR), for himself, Mr. CRANSTON, Mr. GARN, Mr. TSONGAS, Mr. RIEGLE, Mr. DIXON, Mr. PROXMIER, Mr. KENNEDY, Mr. HOLLINGS, Mr. LEVIN, Mr. BRADLEY, Mr. ROTH, Mr. HEINZ, Mr. PERCY, Mr. HATFIELD, and Mr. WEICKER, proposes an unprinted amendment numbered 856.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu:

TITLE I—SECTION 235 AMENDMENTS

EXTENSION AND AMENDMENT TO SECTION 235

SEC. 101. (a) The fourth sentence of section 235(h)(1) of the National Housing Act is amended by striking out "March 31, 1982" each place it appears and inserting in lieu thereof "September 30, 1982".

(b) Section 235 of such Act is amended by adding at the end thereof the following:

"(r)(1) Except as provided in the fourth sentence of subsection (h)(1), any commitment (other than a firm commitment) to make and to contract to make assistance payments under this section which is in effect on March 31, 1982, shall—

"(A) in the case of a commitment (other than a firm commitment) issued prior to October 1, 1981, remain available for a firm commitment until May 1, 1982; or

"(r) in the case of a commitment (other than a firm commitment) issued on or after October 1, 1981, remain available for a firm commitment until June 1, 1982, or until July 15, 1982, in the case of a commitment (other than a firm commitment) relating to a unit in a condominium.

"(2) Any authority described in paragraph (1)(A) which is not made subject to a firm commitment within the period specified by paragraph (1)(A) shall be available for new commitments by the same area office of the Department of Housing and Urban Development which made the prior terminated commitment until June 1, 1982.

"(3) Any authority referred to in paragraph (1) which is not subject to a firm commitment issued pursuant to paragraph (1) or (2) as of the close of the applicable period specified in such paragraph shall be

reallocated by the Secretary among the States on the basis of—

"(A) population;

"(B) the relative decline in the number of one- to four-family housing starts since 1978; and

"(C) the relative ability of the States to make use of such authority in an expeditious manner; taking into account the achievement of regional equity.

"(4) Any authority reallocated pursuant to paragraph (3) which is not subject to a firm commitment on August 1, 1982, shall be reallocated again by the Secretary in such manner as will result in the full utilization of the remaining authority."

TITLE II—OLYMPIC COINS

SHORT TITLE

SEC. 201. This title may be cited as the "Olympic Coin Act of 1982".

STATEMENT OF PURPOSES

SEC. 202. The purposes of this title are—

(1) to provide for the minting of commemorative coins to honor and commemorate the 1984 Los Angeles Olympic Games; and

(2) to help finance those games and amateur athletics without the use of tax revenues in recognition of the importance and national significance of the Olympics and of amateur athletics.

AUTHORIZATION FOR MINTING

SEC. 203. (a) Notwithstanding any other provision of law, the Secretary of the Treasury shall mint—

(1) not more than 25,000,000 one dollar coins comprised of two identical outer layers of an alloy of 75 per centum copper and 25 per centum nickel which shall constitute at least 30 per centum of the weight of the coins, metallurgically bonded to an inner layer of copper, a total weight of 22.68 grams, and a diameter of 38.1 millimeters;

(2) not more than 15,000,000 ten dollar coins with a weight of 33.625 grams, and a diameter of 38.1 millimeters and consisting of an alloy of 92.5 per centum silver and 7.5 per centum copper;

(3) not more than 1,000,000 fifty dollar coins with a weight of 4.937 grams, and a diameter of 19.0 millimeters and consisting of an alloy which shall contain 90 per centum gold, and 10 per centum silver and copper in such proportions as shall be determined by the Secretary of the Treasury; and

(4) not more than 1,000,000 one hundred dollar coins with a weight of 9.874 grams, and a diameter of 23 millimeters and consisting of an alloy which shall contain 90 per centum gold, and 10 per centum silver and copper in such proportions as shall be determined by the Secretary of the Treasury.

(b) The coins minted pursuant to subsection (a) shall have an aggregate face value which is not more than \$325,000,000.

(c) The coins authorized by this title shall bear—

(1) a designation of the value of the coin;

(2) an inscription of the year the coin was minted or issued; and

(3) an inscription of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(d) The designs of coins authorized by this title shall be determined by the Secretary of the Treasury, in consultation with the Los Angeles Olympic Organizing Committee, and shall be emblematic of the Olympics, United States participation in the Olympics, United States athletes, and other symbols consistent with the purposes of this title. All coins minted under this title shall have a common reverse design.

(e) All coins minted pursuant to this title shall be legal tender as provided in section 102 of the Coinage Act of 1965 (31 U.S.C. 392).

(f) No coins shall be minted or issued pursuant to this title after December 31, 1984.

MINTING SPECIFICATIONS

SEC. 204. (a)(1) The one dollar coins authorized by this title shall be issued in a single design and shall be of brilliant-uncirculated quality.

(2) The ten dollar coins authorized by this title shall be issued in three series with four designs for each series and shall be of brilliant-uncirculated and proof qualities.

(3) The fifty dollar coins authorized by this title shall be issued in two series with a different design for each series and shall be of brilliant-uncirculated and proof qualities.

(4) The one hundred dollar coins authorized by this title shall be issued in two series with a different design for each series and shall be of brilliant-uncirculated and proof qualities.

(b) The Secretary of the Treasury may reduce the number of designs for each series of coins specified in subsection (a) if such reduction will not reduce—

(1) the estimated net proceeds to the Los Angeles Olympic Organizing Committee of the sale of such coins; and

(2) below \$30,000,000 the net proceeds of such sale guaranteed to the Los Angeles Olympic Organizing Committee;

except that this subsection shall not apply if the coins are marketed pursuant to the existing marketing agreement, as defined in section 208(a), and if the existing marketing agreement has not been modified pursuant to section 208(e).

(c) The Secretary of the Treasury shall obtain gold and silver for the coins authorized by this title pursuant to his authority under law.

SALE AND DELIVERY

SEC. 205. (a) All coins minted pursuant to this title shall be delivered as requested by the Los Angeles Olympic Organizing Committee for distribution and sale to the public in accordance with the terms of the implementation agreement provided for by section 209 of this title.

(b) The Secretary of the Treasury shall begin delivery of the one dollar coins authorized by this title not later than January 1, 1984. The Secretary of the Treasury shall begin delivery of the three series of ten dollar coins authorized by this title not later than January 1, 1983, for the first series; not later than July 1, 1983, for the second series; and not later than January 1, 1984, for the third series. The Secretary of the Treasury shall begin delivery of the two series of fifty and one hundred dollar coins authorized by this title not later than January 1, 1983, for the first series of each such coin and not later than January 1, 1984, for the second series of each such coin.

PRICE

SEC. 206. The Secretary of the Treasury shall furnish the coins authorized by this title to the Los Angeles Olympic Organizing Committee at a price agreed to pursuant to the implementation agreement provided for by section 209, which price shall be equal to the greater of—

(1) the face value plus manufacturing and engraving costs; or

(2) the market price of the metal plus strip and blank fabrication charges, plus manufacturing and engraving costs including a 15 per centum surcharge.

The cost of metals and strip and blank fabrication charges shall be excluded from the cost for the purpose of calculating the surcharge. Amounts received pursuant to this section shall be deposited into the Treasury after reimbursements have been made for the Mint's appropriation and bullion fund costs.

PROCEEDS

SEC. 207. All of the proceeds received by the Los Angeles Olympic Organizing Committee from the commercial sale of the coins authorized by this title shall be used for the purpose of staging and promoting the 1984 Los Angeles Olympic Games and assisting the United States Olympic Committee and amateur athletics.

MARKETING AGREEMENT

SEC. 208. (a) As used in this section—

(1) the term "coins" means all the coins minted under this title;

(2) the term "marketing organization" means a firm or joint venture which proposes to purchase coins from the Los Angeles Olympic Organizing Committee and resell such coins to the public;

(3) the term "marketing agreement" means a contract for the marketing of coins;

(4) the term "existing marketing agreement" means a marketing agreement between the Los Angeles Olympic Organizing Committee and a marketing organization which is in existence on the effective date of this title; and

(5) the term "existing marketing organization" means the marketing organization which is a party to the existing marketing agreement.

(b) As promptly as practicable after the effective date of this title, the Los Angeles Olympic Organizing Committee shall invite, in accordance with procedures specified by the Secretary of the Treasury, proposals from marketing organizations for an exclusive, worldwide marketing agreement.

(c) Within forty-five days after the effective date of this title, the Los Angeles Olympic Organizing Committee shall (1) consider all proposals received from marketing organizations pursuant to subsection (b) of this section, (2) compare such proposals to the existing marketing agreement, and (3) initially select, subject to the provisions of subsection (e) of this section, a marketing organization (which may be the existing marketing organization under its existing marketing agreement) for the marketing of the coins.

(d) In selecting a marketing organization pursuant to subsection (c) of this section, the Los Angeles Olympic Organizing Committee, in consultation with the Secretary of the Treasury, shall select the marketing organization which offers the most favorable terms for the marketing of the coins, considering factors including, but not limited to, the following:

(1) the financial resources and coin marketing experience of the marketing organization;

(2) the estimated proceeds to the Los Angeles Olympic Organizing Committee from sale of the coins;

(3) the commitment of the marketing organization to guarantee to the Los Angeles Olympic Organizing Committee proceeds from the sale of the coins in an amount not less than \$30,000,000;

(4) the terms and conditions for the marketing of the coins, including, but not limited to (A) proper and equitable distribution of the coins, (B) accurate and otherwise appropriate advertising materials to be used in

promoting the coins, and (C) wholesale and retail price ranges of the coins; and

(5) the commitment of the marketing organization to provide to the Los Angeles Olympic Organizing Committee, upon execution and delivery of a marketing agreement, a sum equal to the advance royalty fee paid to the Los Angeles Olympic Organizing Committee by the existing marketing organization, the amount of such sum to be certified to the Secretary of the Treasury by the Los Angeles Olympic Organizing Committee.

(e) If the marketing organization initially selected by the Los Angeles Olympic Organizing Committee under subsection (c) of this section is not the existing marketing organization, then such existing marketing organization shall have not more than ten days after notice of such initial selection to agree to modify the existing marketing agreement. If within such ten-day period, the Los Angeles Olympic Organizing Committee, in consultation with the Secretary of the Treasury, concludes that the existing marketing agreement, as so modified, offers terms to the Los Angeles Olympic Organizing Committee more favorable than those offered by the marketing organization initially selected, then the existing marketing organization shall be selected to market the coins.

(f) No provisions of law of the United States Government governing procurement or public contracts shall be applicable to the selection of a marketing organization under this title.

IMPLEMENTATION AGREEMENT

SEC. 209. (a) The Secretary of the Treasury shall enter into an agreement with the Los Angeles Olympic Organizing Committee which shall provide for the implementation of the purposes of this title and which shall include, but not be limited to, agreement on—

(1) the amounts to be advanced pursuant to section 210 of this title;

(2) the price and schedule of payments for the coins;

(3) the number of each type of coin to be minted, and schedules and other provisions for the delivery of the coins;

(4) the quality and tolerance of the coins; and

(5) the proportions of proof and brilliant-uncirculated ten, fifty, and one hundred dollar coins.

(b) The agreement between the Secretary of the Treasury and the Los Angeles Olympic Organizing Committee shall identify the designs of the coins as determined pursuant to section 203 (d).

(c) The agreement between the Secretary of the Treasury and the Los Angeles Olympic Organizing Committee shall insure that the minting of coins authorized by this title shall result in no net cost to the United States Government.

(d) The agreement between the Secretary of the Treasury and the Los Angeles Olympic Organizing Committee shall be concluded within ninety days of the date of enactment of this title.

(e) The Secretary of the Treasury may not enter into an implementation agreement with the Los Angeles Olympic Organizing Committee unless the selection of a marketing organization has been made pursuant to section 208.

(f) If the Secretary of the Treasury finds that such action is necessary or appropriate and in the best interests of the United States, the Secretary may terminate the implementation agreement and cease minting

and delivery of the coins authorized by this title, upon the occurrence of either of the following events:

(1) the Los Angeles Olympic Organizing Committee materially breaches the terms of the implementation agreement, or

(2) any person or organization which enters into a contract or agreement with the Los Angeles Olympic Organizing Committee providing for the marketing or distribution of the coins authorized by this title materially breaches the terms of such contract or agreement.

FUNDING

SEC. 210. The Secretary of the Treasury is authorized to receive from the Los Angeles Olympic Organizing Committee and disburse such sums as are necessary to carry out the provisions of this title. Such funds are to be deposited in a trust fund which shall be subject to and administered in accordance with the provisions of section 20 of the Permanent Appropriations Repeal Act, as amended (31 U.S.C. 727s), to be used solely for the purpose of carrying out the provisions of this title. Any sums advanced pursuant to this section shall be deducted from the amount the Los Angeles Olympic Organizing Committee is required to pay the Secretary of the Treasury for the coins authorized by this title.

REPORTS TO THE CONGRESS

SEC. 211. The Secretary of the Treasury shall prepare and submit to the Congress within forty-five days of the end of each calendar quarter a report concerning the sale of the coins authorized by this title. The Los Angeles Olympic Organizing Committee and the marketing organization shall furnish to the Secretary of the Treasury in a timely manner such information as the Secretary may request which is necessary in order to submit the reports hereunder. No report need be submitted for any quarter beginning after June 30, 1985.

AUDITS

SEC. 212. The Comptroller General of the United States shall have the right to examine all books, records, documents, and other data relating to the use of coins or funds made available pursuant to the title of (1) the Los Angeles Olympic Organizing Committee, (2) the United States Olympic Committee, and (3) any person or organization with which the Los Angeles Olympic Organizing Committee enters into a contract for the marketing or distribution of coins minted under this title.

RELATION TO OTHER LAWS

SEC. 213. In carrying out the provisions of this title, the Secretary of the Treasury shall not be subject to any provision of law of the United States governing procurement or public contracts.

TITLE III—GOLD MEDALLIONS

GOLD MEDALLION ACT AMENDMENT

SEC. 301. Section 406 of the American Arts Gold Medallion Act is amended by adding at the end thereof the following:

"(d) Not later than sixty days after the date of enactment of this subsection, the Secretary of the Treasury shall provide for bulk sales of gold medallions struck under the authority of this title to be made to the general public through dealers, and if appropriate, through the Department of the Treasury. The Secretary shall make such bulk sales at a reasonable discount to reflect the lower handling costs of such sales, at a price to be determined by the Secretary."

Mr. LUGAR. Mr. President, today, I rise to introduce legislation with Senator CRANSTON and many of my colleagues to extend the HUD section 235 program for 6 months. This program which assists low- and moderate-income families purchase a home will expire at the end of March. If the program does expire at the end of March, 3,000 to 5,000 families will lose the opportunity to purchase a home under this program. We have already appropriated the funds and the budget assumes full expenditure of the funds. Thus, we will not worsen the budget situation by extending this program for 6 months and allow these families to purchase a home.

Moreover, by passing the legislation we will provide a small amount of stimulus to the depressed housing industry. The remaining funds will be used to build new houses and thus will help create a few new jobs in the Nation. We have tried to improve the ability of this program to provide some stimulus by changing the allocation formula to reflect the percentage decline in housing starts from 1978 to 1981 from State to State and the ability of States to use the funds promptly. The current formula reflects housing need rather than the ability of a State to use the funds or the economic condition of the State.

Our new formula gives builders a minimum of 60 days to find a qualified buyer and then reallocates the funds to other builders if the original builder has been unable to find a buyer. In this way we will be able to fully utilize the remaining funds in the shortest amount of time.

Title II of this bill authorizes the Secretary of the Treasury to mint gold, silver, and copper-nickel coins designed to commemorate the 1984 Olympic games. The Senate last year passed S. 1230 to accomplish this purpose, and to help finance amateur athletic activities and the staging of the Los Angeles Olympic games. Title II of this bill is a very similar version of S. 1230, which reduces the number of coin designs to 17, and modifies S. 1230 in some very minor ways which Senator CRANSTON will describe.

I want to point out that this legislation enjoys the support of the administration, and many Members in both Houses, on both sides of the aisle. I hope that Congress would act expeditiously on this matter so that the objectives of the legislation can be accomplished.

(By request of Mr. ROBERT C. BYRD, the following statement was ordered to be printed in the RECORD:)

● Mr. CRANSTON. Mr. President, this amendment, that I am offering for myself and others, provides for a 6-month extension of authority for HUD to make commitments under the section 235 homeownership assistance

program. Also included in this measure is a revision of the Olympic Coin Act of 1981.

235 EXTENSION

Title I of this amendment provides for an extension of a housing assistance program that is due to terminate as of March 31, 1982. The extension of the program is necessary so that funds already appropriated and available for this program will not lapse during one of the worst housing recessions since World War II.

The section 235 program subsidizes mortgage interest to as low as 8 percent on moderate-priced, FHA-insured homes. Eligible buyers may earn no more than 95 percent of the median income for their area, and must pay at least 20 percent of their income toward their mortgage. Typically, section 235 buyers move off the subsidy within a 5-year period as their income rises. In 1980, the law was changed so that the Federal Government could recapture the subsidy upon sale of the home.

At last count, about \$30 million in previously appropriated funds is currently available, sufficient to aid about 8,000 home buyers. However, these funds will lapse by March 31, 1982, under the Housing and Community Development Amendments of 1981, which prohibit the Secretary of Housing and Urban Development from entering into new contracts for section 235 assistance except pursuant to a firm commitment for FHA insurance issued to a prospective buyer on or before that date. There are two additional but minor exceptions to the March 31 deadline. The money has not been used for several reasons. In some cases, the money was originally reserved on behalf of buyers who have lost their jobs and now cannot purchase a new home. In other cases, builders received preliminary reservations for units in late fall, 1981, after others had surrendered their reservations, and because of the particularly harsh winter have been unable to move to construction within the 6 months allowed for preliminary reservations. The unused money has been recaptured and redistributed to HUD field offices, but in the several days remaining before the March 31 deadline it is unlikely that more than a few home buyers will receive assistance from these redistributed funds.

Title I of the legislation I am offering will extend to September 30, 1982, the Secretary's authority to enter into contracts pursuant to firm commitments issued after March 31 to allow more time for the money to be used. The period of extension coincides with the normal building season. The 8,000 units that could be assisted under this legislation are only a small fraction of the number needed for general stimulus of the housing industry. But for many builders struggling to keep their

businesses open and their construction crews together, these units can mean the difference between economic survival and bankruptcy.

Included in title I, at the request of the able chairman of the Housing Subcommittee, Senator LUGAR, is a new formula that will change the allocation of the 235 funds. Population, the relative decline of housing starts since 1978, and the relative ability of the State to make use of the funds, are to be among the factors that HUD must use in reallocating these funds. Additionally, a scheme designed to encourage full use of the funds after allocation is also included. This plan sets forth specific dates upon which funds that have been firmly committed must be recaptured and recycled.

I want to reemphasize that this legislation does not involve new appropriations. It only extends the deadline so that badly needed appropriations already available can be put to use. With the housing industry in desperate straits, it would be a serious mistake if these funds were lost.

OLYMPIC COIN ACT

Titles II and III of this measure contain a revision of the Olympic Coin Act of 1981. Another version of this legislation, S. 1230, passed the Senate by voice vote on December 9, 1981. Last week, Congressman JERRY PATTERSON introduced a companion bill in the House with over 40 cosponsors. Time is growing short. If Congress wishes to maximize the profit that the Olympics will receive from a commemorative coin program, it must act swiftly but thoughtfully on this legislation.

Title II alters the Senate passed Olympic Coin Act in several ways. This version, endorsed by the Department of the Treasury, incorporates the following changes from the Senate passed version:

First, the number of coins is reduced from 25 to 17;

Second, sales will begin in 1983, rather than in 1982;

Third, the amount guaranteed to the Los Angeles Olympic Organizing Committee by the marketing organization, regardless of sales levels, is reduced from \$50 to \$30 million;

Fourth, the maximum number of coins is reduced from 50.4 to 42 million;

Fifth, the maximum aggregate face value of the coins is reduced from \$425 to \$325 million;

Sixth, the price that the Los Angeles Olympic Organizing Committee must pay for the coins is changed, at Treasury's request, so that at minimum the price must be equal to the face value of the coins plus manufacturing and engraving costs. Previously, the cost was the greater of the face value of the coins or the manufacturing cost plus a 15-percent surcharge.

I recently received a resolution from the Association of National Olympic Committees calling for the expeditious enactment of a coin program to commemorate the XXIII Olympiad. I ask that it be printed in the RECORD.

The resolution follows:

RESOLUTION

Whereas it is highly desirable that a coin program be implemented commemorating the XXIII Olympic Games,

Whereas coin programs commemorating the Olympic Games have become a long standing tradition and a valued source of income to the 149 NOCs of the world,

Whereas revenue generated from the coin programs provide a much needed source of funds which assists many countries in sending representatives to the Olympic Games thus assuming maximum participation of the NOCs of the world,

Whereas ANOC recognizes the great financial assistance a coin program will be to the U.S. Olympic Committee and LAOC in fulfilling their commitments to stage the Games,

Therefore ANOC respectfully request the assistance of all persons and entities in the expeditious implementation of the coin program in commemoration of the XXIII Olympiad.

I hereby certify that above stated resolution is a true and verbatim copy of the one unanimously approved by the Executive commission of the Association of ANOC at its meeting of March 22, 1982, in Paris, France, with the attendance of 19 members representing Africa, America, Asia, Europe and Oceania.

Mr. CRANSTON. Mr. President, I sincerely hope that for the good of the Olympics, our American athletes and the beleaguered housing industry that the House acts expeditiously on this measure.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 856) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I move that the Senate insist in its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate.

The motion as agreed to, and the Presiding Officer (Mr. ANDREWS) appointed Mr. GARN, Mr. TOWER, Mr. LUGAR, Mr. RIEGLE, and Mr. CRANSTON conferees on the part of the Senate.

ORDER FOR RECOGNITION OF SENATOR CHAFEE ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that on tomorrow, after the recognition of the two leaders under the standing order, the distinguished Senator from Rhode Island (Mr. CHAFEE) be recognized on a special order not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR SYMMS ON WEDNESDAY

Mr. BAKER. Mr. President, I ask unanimous consent that on Wednesday, after the recognition of the two leaders under the standing order, the distinguished Senator from Idaho (Mr. SYMMS) be recognized on a special order not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECORD TO BE HELD OPEN UNTIL 5 P.M. TODAY

Mr. BAKER. Mr. President, I ask unanimous consent that the RECORD remain open until 5 p.m. today for RECORD inserts, introduction of bills, amendments, and resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I am prepared to ask the Senate to create additional time for the transaction of routine morning business. I ask unanimous consent, Mr. President, that there now be a brief period for the transaction of routine morning business to extend not past the hour of 2:30 p.m., in which Senators may speak under the same terms and conditions as earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEEDLESS GOVERNMENT SPENDING

Mr. NICKLES. Mr. President. Many of us agree with President Reagan that we no longer can afford the luxury of needless Government spending. We must attack waste wherever we find it. Who among us doubts that we could literally save the taxpayers billions of dollars if we seriously set out to run the Government the way we run our own households? We should look for opportunities to save. If everybody in Government made it a point to ferret out wasteful spending—even where the savings seem trivial—the results could be astounding.

I would like to bring to the attention of my colleagues just one example of

what I am talking about. Some time back, Secretary of Labor Raymond Donovan called for a survey in his Department to determine if the number of newspapers, magazines, and other publications being purchased with Department funds had not grown to the point of abuse. Each agency in the Department was asked to continue only those publications essential to their operations and cancel all others. The savings were gratifying: \$391,094 all told. But Raymond Donovan went further. He ordered contracts with newspaper clipping services canceled (this function would now be performed by regional offices), directed that news releases be singlespaced and printed on both sides of a page to save paper, eliminated a duplicative wire service printer, and set in motion a move to consolidate three audiovisual studios. These economies will result in a one-time savings of about \$1.2 million.

Secretary Donovan says:

While these may seem like inconsequential savings in a multi-billion-dollar budget, I can assure you that every conscientious taxpayer will understand what we are doing.

I know most of you are aware that Secretary Donovan is no newcomer to the field of trying to reduce Government spending. In fact, he has helped spearhead such actions. Last year, when President Reagan called for his first \$35 billion in budget cuts, \$10 billion of those cuts came from the Labor Department. And that represented one-third of the Department's overall budget of \$33 billion.

In announcing the results of these cost-saving programs Secretary Donovan commented:

What we have done here is simply take a hard look at some relatively innocuous budget items only to find that they had spiraled out of control.

I am convinced that if every department of Government took the same kind of hard look at its spending practices we could further ease the burdens of the taxpayers of this country.

I urge my colleagues to read these three newspaper accounts of Secretary Donovan's accomplishments, and ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Sacramento Bee, Feb. 11, 1982]

LABOR SECRETARY CANCELS SUBSCRIPTIONS

WASHINGTON.—A costcutting order by Labor Secretary Raymond Donovan to eliminate "unnecessary and duplicative" newspapers, periodicals and specialty magazines has resulted in cancellation of \$391,094 in subscriptions, it was revealed Wednesday.

Those who implemented the move estimated that "tens of millions of dollars" could be saved on a government-wide basis.

"A few extra newspapers here, and another magazine or two there, and before you

know it, you're looking at thousands of dollars," Donovan said.

He said while the savings may seem inconsequential in a multibillion-dollar budget, "I can assure you that every conscientious taxpayer will understand what we are doing."

"There will be some grumbling," said Earl Cox, the department's director of public affairs, but "those thousands of people that got these papers didn't necessarily need them."

Cox said the cancellations are part of \$591,000 in savings already achieved by the department in measures ranging from eliminating news clipping services to printing news releases on both sides of a page.

Information supplied by the department indicated the Bureau of National Affairs, an independent firm that publishes the Daily Labor Report and other specialty magazines, received a massive number of subscription cancellations.

Many cancellations were also ordered for the Official Airline Guide, a publication with all airline flight information.

One of two United Press International printers in Labor Department headquarters was taken out. The sole Associated Press machine was not affected.

The largest reduction in subscriptions came in the Occupational Safety and Health Administration, where Assistant Labor Secretary Thorne Auchter said 1,200 subscriptions were cancelled.

Auchter said the \$279,290 cost for subscriptions in 1981 would drop to \$65,810 in 1982.

OSHA spokesman James Foster said subscriptions to the weekly Occupational Safety and Health Reporter, which cost about \$300 each, were cut from 300 to 25.

"We distinguished need to have from nice to have," he said.

Donovan's Dec. 17 order, said expenditures for newspaper and periodical subscriptions should be reduced "to the absolute minimum."

[From the Washington Post, Feb. 16, 1982]

DONOVAN STRIKES AT SUBSCRIPTIONS (By Warren Brown)

Labor Secretary Raymond J. Donovan has canceled government-paid newspaper and magazine subscriptions for all agency officials below the assistant secretary level in a round of cost-cutting he says will save the department \$391,184 a year.

Donovan also plans to clip the department's clipping service, consolidate its three television production studios into one unit, and take away most executive television sets to achieve a total cost saving of more than \$1.2 million annually.

"In typical Washington fashion, some spending molehills had grown to hillock size and were on their way to becoming small mountains. A few extra newspapers here and another magazine or two there, and before you know it, you're looking at thousand of dollars," the secretary said.

None of the canceled publications is expected to suffer irreparable harm from Donovan's economies. The Washington Post, for example, will lose 36 subscriptions, The New York Times will lose 58, and the Wall Street Journal 78.

But costly periodicals specializing in government regulations, such as the weekly Occupational Safety and Health Reporter published by the Bureau of National Affairs Inc., will be stung. The department is knocking off 275 of its 300 yearly subscriptions to the BNA publication, which costs \$300 for a year's subscription.

"That's a hell of a hunk of change to lose," a BNA official said last week. "We certainly don't like losing that many subscriptions at once. But we won't be crippled."

Cancellation of newspaper and magazine subscriptions won't hurt the department's public relations functions or the intellectual growth of its executives, departmental spokesman Earl Cox said.

"We have in no way cut back on the tools that are essential to the job. But there's no reason why government should have to pay for subscriptions" to help officials "satisfy their curiosity," Cox said.

He said some officials already have grumbled about elimination of the perks. "But they can buy their own newspapers," he said.

[From the Salt Lake Tribune, Feb. 11, 1982]

LABOR CANCELS SUBSCRIPTIONS

WASHINGTON.—A costcutting order by Labor Secretary Raymond Donovan to eliminate "unnecessary and duplicative" newspapers, periodicals and specialty magazines has resulted in the cancellation of \$301,004 in subscriptions, it was revealed Wednesday.

Those who implemented the move estimated that "tens of millions of dollars" could be saved on a government-wide basis.

"A few extra newspapers here, and another magazine or two there, and before you know it, you're looking at thousands of dollars," Donovan said.

BILLION DOLLAR BUDGET

He said while the savings may seem inconsequential in a multibillion dollar budget, "I can assure you that every conscientious taxpayer will understand what we are doing."

"There will be some grumbling," said Earl Cox, the department's director of public affairs, but "those thousands of people that got these papers didn't necessarily need them."

Cox said the cancellations are part of \$591,000 in savings already achieved by the department in measures ranging from eliminating news clipping services to printing news releases on both sides of a page.

CANCELLATIONS MASSIVE

Information supplied by the department indicated the Bureau of National Affairs, an independent firm that publishes the Daily Labor Report and other specialty magazines, received a massive number of subscription cancellations.

Many cancellations were also ordered for the official airline guide, a publication containing information on all airline flights.

United Press International was not spared from Donovan's order. One of two UPI printers in Labor Department headquarters was taken out. That sole Associated Press machine was not affected.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. BAKER. Mr. President, there does not appear to be further morning business. I see no Senators seeking recognition.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BAKER. Mr. President, in accordance with the order previously en-

tered, I move that the Senate stand in recess until the hour of 9:30 a.m. on tomorrow.

The motion was agreed to; and, at 3:19 p.m., the Senate recessed until Tuesday, March 30, 1982, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 29, 1982:

DEPARTMENT OF JUSTICE

Francis M. Mullen, Jr., of Virginia, to be Administrator of Drug Enforcement, vice Peter B. Bensinger, resigned.

Gary Loy Richardson, of Oklahoma, to be U.S. attorney for the eastern district of Oklahoma for the term of 4 years vice Julian K. Fite, resigned.

INTERNATIONAL COMMUNICATION AGENCY

Ronald L. Trowbridge, of Michigan, to be an Associate Director of the International Communication Agency, vice Alice Stone Ichman.

DEPARTMENT OF DEFENSE

Richard L. Wagner, Jr., of California, to be Chairman of the Military Liaison Committee to the Department of Energy, vice James Paul Wade, Jr., resigned.

IN THE AIR FORCE

The following-named officers for permanent promotion in the United States Air Force, under the appropriate provisions of chapter 36, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force.

LINE OF THE AIR FORCE

To be lieutenant colonel

Adams, George L., xxx-xx-xxxx
Allerheilgen, James E., xxx-xx-xxxx
Arnsdorff, Alton G., Jr., xxx-xx-xxxx
Baertl, Charles E., xxx-xx-xxxx
Bennett, William G., xxx-xx-xxxx
Bigelow, James N., xxx-xx-xxxx
Buckenmyer, David W., xxx-xx-xxxx
Childress, Guy P., Jr., xxx-xx-xxxx
Cullen, James A., Jr., xxx-xx-xxxx
Cunningham, Robert G., xxx-xx-xxxx
Fisher, Robert W., xxx-xx-xxxx
Harden, William D., III, xxx-xx-xxxx
Harris, Robert E., xxx-xx-xxxx
Hauschild, Wallace D., Jr., xxx-xx-xxxx
Idehara, George M., xxx-xx-xxxx
Johnson, David C., xxx-xx-xxxx
Johnson, Laurie R., xxx-xx-xxxx
Kaiser, Lyman L., xxx-xx-xxxx
King, Henry A., III, xxx-xx-xxxx
Mark, John W., xxx-xx-xxxx
Marsh, Melvin E., Jr., xxx-xx-xxxx
McCannon, Jerry D., xxx-xx-xxxx
Myers, David J., xxx-xx-xxxx
Okane, John, Jr., xxx-xx-xxxx
O'Neal, Donald O., xxx-xx-xxxx
Payne, Edwin R., Sr., xxx-xx-xxxx
Potter, John R., xxx-xx-xxxx
Ransom, William R. P., Jr., xxx-xx-xxxx
Reiling, Frederick A., xxx-xx-xxxx
Russell, John F., xxx-xx-xxxx
Sharp, Jimmy F., xxx-xx-xxxx
Smedley, Gerald F., xxx-xx-xxxx
Spencer, Jimmie L., xxx-xx-xxxx
Vanore, Armand R., xxx-xx-xxxx
Ward, James F., III, xxx-xx-xxxx

CHAPLAIN CORPS

Dabrowski, George J., xxx-xx-xxxx
Elliott, Harold, xxx-xx-xxxx
Fuemmel, James R., xxx-xx-xxxx
Hartsell, Franklin D., xxx-xx-xxxx
Wilson, Theodore J., xxx-xx-xxxx

NURSE CORPS

Kepner, Sheila A., xxx-xx-xxxx

MEDICAL SERVICE CORPS

Rhode, John F., xxx-xx-xxxx

LINE OF THE AIR FORCE

To be major

Aanstad, William L., xxx-xx-xxxx

Anderson, Ronald A., xxx-xx-xxxx

Austin, James R., xxx-xx-xxxx

Ball, David K., xxx-xx-xxxx

Barrett, Donald E., xxx-xx-xxxx

Barrett, Ewing D., Jr., xxx-xx-xxxx

Bates, Francis C., xxx-xx-xxxx

Baxa, Jon E., xxx-xx-xxxx

Christian, Bobby G., xxx-xx-xxxx

Coman, Robert L., xxx-xx-xxxx

Crisuolo, John A., xxx-xx-xxxx

Cummings, James H., xxx-xx-xxxx

Eyler, Jimmie T., Jr., xxx-xx-xxxx

Folsom, Charles P., xxx-xx-xxxx

Fujimoto, Thomas K., xxx-xx-xxxx

Giacomazza, Robert, xxx-xx-xxxx

Hobbie, Richard H., xxx-xx-xxxx

Holmes, David R., Jr., xxx-xx-xxxx

Houtkooper, Jon C., xxx-xx-xxxx

Huff, Jimmy L., xxx-xx-xxxx

Johnson, James R., xxx-xx-xxxx

Jorgenson, Loren W., xxx-xx-xxxx

Knobler, Harry A., xxx-xx-xxxx

Luisi, Thomas, xxx-xx-xxxx

McCoy, Brian R., xxx-xx-xxxx

Osborn, Harold L., xxx-xx-xxxx

Shrote, Roy L., xxx-xx-xxxx

Shulhan, Ilko P., xxx-xx-xxxx

Snyder, William M., xxx-xx-xxxx

Sotak, Michael A., xxx-xx-xxxx

Swiech, Francis A., xxx-xx-xxxx

Thompson, Kenneth R., xxx-xx-xxxx

Vandyke, Thomas J., xxx-xx-xxxx

Wenrick, Steven C., xxx-xx-xxxx

Wiley, Jerold W., xxx-xx-xxxx

NURSE CORPS

Israel, Nyland R., xxx-xx-xxxx

BIOMEDICAL SCIENCES CORPS

Hiatt, Victor E., xxx-xx-xxxx

LINE OF THE AIR FORCE

Gifford, David L., xxx-xx-xxxx

Whitlow, Mark D., xxx-xx-xxxx

IN THE NAVY

The following-named Naval Reserve Officers Training Corps candidates to be appointed permanent ensign in the line or staff corps of the U.S. Navy, subject to qualification therefor as provided by law:

Abbott, Christopher L.	Anderson, Emile R.
Abraham, Louis P.	Anderson, Jeffrey C.
Abrahamson, David D.	Anderson, Kenneth J.
Adams, Robert S.	Anderson, Richard T.
Adams, William	Anderson, Scott D.
Adams, William L.	Andrews, Duane C.
Addison, Vernon J.	Andrews, Michael T.
Afong, Danford S.	Andrews, Peter J.
Albert, Michael R.	Angel, Kenneth T.
Aldridge, Ron E.	Angel, Roger D.
Alexander, Scott H.	Angelini, Phillip T.
Alley, Charles G.	Ansley, Keith G.
Allred, John M.	Antonellis, James A.
Alzheimer, Lance W.	Apgar, Charles K.
Alvick, Robert A.	Araki, Robert M.
Amarello, Joseph M.	Archer, Billy J.
Ames, Gregory H.	Ard, Henry G.
Amicangioli, Frederick M.	Ariel, Alan D.
	Armstrong, John T.
	Arnold, David R.

Artis, Jeffrey L.
Askey, Charles F.
Atkinson, Timothy
Auestad, Craig A.
Avery, Kenneth E.
Bacheller, John S.
Bacon, Bartholomew P.

Bahler, Carol D.
Bailey, Lindley A.
Ball, Jeffrey R.
Bancroft, Richard A.
Baranek, Thomas
Barber, Christopher J.

Barge, Thomas H.
Barker, Bradley
Barnaby, Steven L.
Barnes, James W.
Barnes, Roy T.
Barrett, Robert B.

Barrett, Sean P.
Barthallow, Henry D.
Bass, Cullen
Bates, Thomas M.
Batsel, Brian D.
Battles, Jeffrey W.

Baucom, David F.
Bauman, Robert A.
Baxter, James D.
Beach, Fred C.
Beachy, Phillip L.
Bebb, Bryan T.

Beck, Richard R.
Beernink, Kathleen A.
Beers, David F.
Beintema, Daniel D.
Belcourt, Llewellyn
Belote, Monte E.

Bender, James B.
Benn, David P.
Bennett, William J.
Benson, Gregory G.
Bernard, David J.
Berry, Jerald L.

Betts, Kenneth S.
Biamonte, Brian N.
Bianchi, Robert J.
Bigot, Patrick C.
Billeter, Peter J.
Bird, James F.

Bittingmaier, Steven W.
Blair, James L.
Blais, John A.
Blanchette, Bryan M.
Blanton, Kathleen M.
Bleyer, Peter M.

Bloom, Stuart B.
Blount, Edward
Blount, Phillip A.
Bobola, Matthew E.
Boehl, Robert F.
Boggs, Craig L.

Bookwalter, Richard E.
Born, Robert B.
Boronkay, Peter H.
Bose, David V.
Bourgeois, Brian S.
Bousquet, Rick L.

Bowden, Anita M.
Bowdish, Randall G.
Bowers, Mark D.
Bowlin, Sean M.
Boyajian, Charles A.
Boyd, Frank W.

Branch, Gary W.
Brandenburg, Eric H.
Brantley, Sheila L.
Brauchler, David A.
Braunsdorf, Robert
Brenstuhl, Thomas K.

Brey, David P.
Briggs, Robert P.
Brintzenhofe, Kurt
Broadaway, Ronny T., Jr.
Browder, Stephen E.

Brower, Jeffrey O.
Brown, Albert H.
Brown, Daniel P.
Brown, Lyle C.
Brown, Peter P.
Browne, Christopher E.

Browne, Peter R.
Bruce, David S.
Buchiarelli, Philip A.
Budler, Helen R.
Buelow, Douglas J.
Buoni, Frederick B.

Burke, Edmond J.
Burke, Kevin P.
Burnett, William N.
Burton, Richard T.
Butchkovitz, Mary L.
Butler, Albert G.

Butler, Frank H.
Butler, Matt L.
Butler, Scott, R.
Buziak, John P.
Byrd, Stuart E.
Byrne, James J., Jr.

Cahill, Mark D.
Caldwell, Robert K.
Camara, Frank R.
Camarato, Carmeline M.
Cameron, Robert R.
Campbell, Hugh T.

Campbell, Lamar
Cann, David W.
Cantrell, Mark E.
Carew, Kevin J.
Carlitti, Justin P.
Carpenetti, Ben W.

Carr, Ray E.
Carr, Timothy M.
Carroll, Mary F.
Carver, Christopher, J.
Casas, Julio C.
Casciato, Gregory S.

Casey, James V.
Cashin, David F.
Castleberry, Charles K.
Chamberlain, Christopher J.
Chamberlin, James M.
Chandler, Kathryn L.

Chase, Stephen L.
Childs, James L.
Childs, Rickie L.
Chin, Calvin A.
Chin, David R.
Christie, Neil M.

Christophersen, Eric R.
Chung, David Y.
Churchman, Daniel L.
Ciccateri, James L.
Cizmar, Michael A.
Clark, Kathleen C.

Clarke, Robert S.
Clarkson, Edward M.
Clay, Louis C.
Clement, Joseph A.
Clements, Joseph A.
Cleveland, Ronald L.

Close, David L.
Cobb, Gary D.
Cobb, Michale D.
Cochrane, John C.
Cockrell, Jeffrey B.
Cody, Mark T.

Coffman, Russell L.
Cogdell, Wayne E.
Cohen, Robert B.
Colabatistto, Gennaro
Cole, Robert J.
Coleman, William D.

College, Dean K.
Collins, Dwight T.
Coming, Michael W.
Compere, Kenneth J.
Conde, Dominick A.
Cook, Eugene W.

Cook, Thomas V.
Cooke, Vincent E., Jr.
Cooper, Joseph A.
Copeland, Gregory K.
Coray, John P.
Corbett, Michael J.

Corey, Patrick J.
Corso, Joseph A.
Council, Willis A.
Coutley, Raymond L.
Cowden, Anthony T.
Cowden, Cole V.

Cowden, Craig A.
Cox, George A.
Crittenden, Dianne K.
Crow, John L.
Crowley, William M.
Cruz, James G.

Cuchetto, Ricardo F.
Cunningham, Thomas M.
Curran, Thomas P.
Currie, Iain A.
Curry, James T.
Curtin, Lawrence M.

Curtis, Frederick G.
Cutter, David M.
Daniel, Edward D.
Dantonio, Paul A.
Dart, Steven G.
Dash, William R.

Daus, William B.
Davenport, Charles R., Jr.
Davidson, John C.
Davidson, Charles N., Jr.
Davis, Marsden S.
Davis, Norman C.

Davison, James D.
Davy, Bradley K.
Dees, Robert C.
Deitch, Andrew S.
DeJesus, Carlos J.
Dendinger, James D.

Dennis, Robert S.
Deridder, Larry A.
Desmon, David L.
Detwiler, Leslie D.
Devlin, Peter H.
Dickson, William J.

Dockins, Harold L.
Doherty, Daniel A.
Donnelly, Mark J.
Donovan, George D.
Dougherty, Patrick J.
Douglass, Michael W.

Dow, Randall P.
Dowling, Hampton H.
Downing, George R.
Doyle, John R.
Doyle, Philip G.
Dreves, Martin P.

Drew, Alex D.
Dreyfus, Patrick D.
Dubois, Richard W.
Duepner, Gregory D.
Duffy, John F.
Dumas, Richard A.

Dunn, Bruce E.
Dunn, Francis M.
Dunn, Katherine M.
Dunne, Elizabeth G.
Dunning, Robert L.
Durey, Thane D.

Durkin, John P.
Eager, Rose M.
Ebert, Brian V.
Eccles, Paul D.
Edgren, Denis H.
Edwards, Michael

Elder, Dwaine C.
Elie, Thomas E.
Ellefsen, Eric R.
Elliott, James W.
Elliott, Joseph M.
Ellrich, Christopher R.

Emerson, Michael B.
Emerson, Sylvia
Emery, Stephen J.
Engen, Marvin R.
Engleman, Eric E.
Erickson, Lawrence D.

Ernst, Kevin M.
Eskew, Mitchell A.
Etheridge, Robert J.
Evanoff, Michael J.
Evans, Douglas J.
Evans, Troy C.

Evell, Allen E.
Ewing, Michael R.
Fairburn, Thomas S.
Faith, David C.
Faley, Timothy P.
Fanshaw, Charles W.

Farmer, Jay A.
Farmer, Thomas E.
Farris, Kevin L.
Farris, Samuel H.
Farwell, Timothy S.
Fawcett, William P.

Fennell, Jack E.
Fenton, April M.
Ferguson, Paul L.
Fermin, Robert J.
Fernandez, Elizabeth M.
Ferris, Peter G.

Fields, Curtis L.
Fila, Brian D.
Filipowski, Sean R.
Finch, John T.
Fink, Edward C.
Finlayson, Robert K.

- Foggan, John
Foley, Thomas A.
Folk, Gary L.
Forristall, Michelle J.
Forsberg, Roy W.
Fox, William A.
Frailley, Lisa E.
Franklin, Randall B.
Frazier, Jeanne E.
Frazier, Jerry W.
Fredette, Steven R.
Freedman, David M.
Freeman, Brian D.
French, Timothy F.
Fulligni, Paul T.
Fuller, Brian J.
Furbush, Angela S.
Forrows, Clive
Furtado, Charles C.
Gaines, Leonard
Gallagher, Christopher J.
Gallagher, Thomas M.
Gallagher, William P.
Gallimore, Richard H.
Galluzzo, Mark R.
Garant, Pierre C.
Garcia, Joel T.
Garfield, G. G.
Garner, Harold J.
Garvey, Paul G.
Gast, William A.
Gastler, Laura F.
Gearhard, Glenn E.
Gehin-Scott, Charles E.
Gehring, George G.
Geisen, David C.
Gentzler, David B.
Gerichten, Glenn
Germany, Karen P.
Gierhart, Michael L.
Giertz, Andrew E.
Gilbert, Christopher G.
Gilbert, John B.
Gill, Thomas L.
Ginnetti, Raymond B.
Glass, Richard E.
Gleason, James J.
Glenn, Daniel E.
Glenn, John M.
Glodosky, John P.
Godfrey, William J.
Goebel, Thomas E.
Golden, James E.
Goldfinger, Jeffrey S.
Goldstein, Al R.
Gomez, Richard M.
Goodsell, Anthony J.
Goodsell, Paul B.
Goodwin, Jeffrey A.
Gordon, Nelie
Gosnell, Ralph E.
Goudreau, Robert R.
Goudsward, Douglas P.
Grace, William R.
Graczyk, Donald A.
Grady, Thomas S.
Graft, Patrick W.
Graham, Scott A.
Grause, Peter F.
Gray, Robert P.
Greenlee, Raymond V.
Greer, Daniel S.
Greiner, Carl F.
Gridfin, Stanley T.
Griffin, Leroy A.
- Griffin, Thomas P.
Grimes, Nathan M.
Grip, William G.
Gromme, Michele
Gross, Michael R.
Gross, Steven J.
Grumney, Wayne N.
Gryzbowski, Edward P.
Gubanc, Paul F.
Gunhus, James L.
Guptill, Murray T.
Guzik, Dennis M.
Gwinner, John D.
Haase, William H.
Haberbosch, Curtis E.
Hack, Steven J.
Hagan, Timothy P.
Hagwood, Derle G.
Haigh, Patrick J.
Hale, Rodney M.
Halferty, James P.
Hall, John A.
Hall, Mark W.
Hall, Michael D.
Hall, Patrick D.
Hamilton, Paul E.
Hamilton, Robert V.
Hanley, Jean M.
Hanson, Craig D.
Hanson, Michael A.
Hardgrave, Stephen W.
Harding, Kenneth L.
Hargis, Gregory R.
Harned, Robert L.
Harper, Jeffrey M.
Harraby, David P.
Harris, Mark A.
Harrison, Grady A.
Hart, Garrett J.
Harvey, Mark D.
Hawkins, William H.
Hawley, Jeffery W.
Hayes, Mark
Hayes, Timothy R.
Heft, Stephen M.
Heidenthal, Dennis P.
Heineman, Stephen P.
Hemstreet, Hugh R.
Henderson, Donald L.
Heneghan, William J.
Henk, David R.
Henn, Terence
Henery, Laura A.
Hensel, Craig E.
Herbert, Ronald G.
Herzog, Bradley F.
Hess, William J., III
Heysel, Harrison F.
Hickey, William J.
Hicks, Gary F.
Hicks, John D.
Hicks, John N.
Higman, Kevin N.
Hildebrand, Stephen F.
Hildebrandt, David A.
Hileman, Randall K.
Hill, Charles R.
Hill, Paul L.
Hill, Roger L.
Hillenbrand, Paul G.
Hinckley, Scott P.
Hinger, Eric R.
Hitchner, Kenneth W., III
Hoener, William J.
Hofmeister, Francis J.
- Hogan, John G.
Hogan, Thomas R.
Hogan, Ronald R., Jr.
Hogenkamp, Harry P.
Holden, Kevin T.
Holder, Nicholas P.
Hollenbeck, Alan J.
Hollman, William J.
Holly, Mairread E.
Holman, Nicholas H.
Holman, Scott D.
Holstrom, Steven J.
Horan, Kevin J.
House, Michael L.
Howard, Eugene S.
Hoyt, Jennith S.
Hoyt, Roger B.
Hubbs, Dean M.
Huckabee, Arthur G.
Huff, Michael D.
Hughes, George L.
Hughes, Michael W.
Hughes, Robert E.
Hulcher, Michael E.
Hull, Clarence G.
Hull, Daniel V.
Hulse, David C.
Ingersoll, Alvah E.
Irey, Donald F.
Isgrig, Katherine A.
Jackson, Richard T.
Jacobs, Herbert G.
Jagusch, Thomas D.
James, Darryl W.
Jenista, James M.
Jensen, Patrick T.
Jensen, Steven C.
Jicka, Mark R.
Joe, Henry J.
Johnson, Blake M.
Johnson, Chris A.
Johnson, Gary
Johnson, Gary L.
Johnson, Gordon A.
Johnson, Richard T.
Johnson, Scott D.
Johnson, Thomas J.
Johnson, William A.
Johnston, Marc L.
Jones, Evan S.
Jones, Mark J.
Jonson, William R.
Jordan, Douglas J.
Jovanovic, Nickolas S.
Joyner, John A.
Juergens, Jurgen E.
Kaemmerer, Glen E., Jr.
Kahan, Steven M.
Kain, William W.
Kaiser, James W.
Kaish, Terri
Kammerer, Keith A.
Kane, William
Kanab, Peter M.
Kanegae, Timothy T.
Kaplan, Bruce J.
Karell, Eric J.
Karl, Gregory S.
Karner, Alan L.
Karten, Luke V.
Kasiski, Eric J.
Kause, Charles W.
Keenan, Patrick J.
Kellebrew, John A.
Kellenher, Patrick S.
Keller, Raymond J.
Kelly, Daniel B.
Kelly, Linus J.
Kelly, Steven J.
- Kennedy, Charles B.
Kenyon, Victoria L.
Kerat, Dieter A.
Keutmann, Kevin M.
Kidd, Michael E.
Kiestler, Richard F.
Kilian, Joseph K.
Kimbell, Reed A.
King, Donald A.
King, Joel D.
Kisela, John C.
Kitchen, Rocky R.
Klenke, Robert H.
Klinge, Wayne D.
Klooster, Alan T.
Kneemiller, Jeffrey A.
Koch, Karl J.
Koenig, John A.
Koenig, Robert A.
Kogge, Chris S.
Kohanowich, Karen M.
Koppel, Peter J.
Korycinski, Paul M.
Koval, Jeffrey R.
Krams, Michael C.
Kratovil, John B.
Krochmal, Dana F.
Krusemark, Edward E.
Kuldell, Randall B.
Kuprenas, Michael A.
Kuth, George P.
Kuziak, Richard O.
Lagay, Christopher P.
Landis, Scott J.
Landrum, Bruce D.
Lang, James T.
Latas, John B.
Latorre, John P.
Lauer, David S.
Lausten, Perry R.
Laverty, Michael J.
Lawson, Donald W.
Lear, Lynnette M.
Leary, Michael P.
Legaspi, Albert K.
Legore, Gregory S.
Leingang, David W.
Lemon, Anthony L.
Leslie, Stephen W.
Lester, Mark A.
Levis, John F.
Lewandowski, Steven E.
Lewis, Gerard M.
Lewis, Kenneth A.
Lewis, Patrick K.
Lewis, Robert G.
Lilly, Mark F., Jr.
Lindsay, John J.
Lindsey, Kevin A.
Lloy, Daniel T.
Lissner, Kenneth X.
Litherland, John J.
Little, Daniel K.
Little, John D.
Litz, James S.
Lloyd, David R.
Locke, Thomas T.
Lockler, John L.
Lohr, Peter J.
Londergan, Richard J.
Looney, Brian T.
Lotz, W. G.
Loukides, Timothy A.
Lucas, Larry E.
Lucas, Steve A.
Lucy, Dan F.
- Lund, Rolf G.
Lundgren, Keven M.
Luthiger, Walter E.
Lutz, Edward J.
Lynch, Daniel J.
Lynn, Stephen C.
Lyons, Thomas S.
Lysek, Kraig M.
Maass, Peggy A.
Macaulay, Bruce A.
Machut, Roger R.
Mackie, Steven C.
MacMurray, Jane
Madsen, Karen J.
Magner, Lawrence R.
Malloy, Steven A.
Maloney, Thomas C., Jr.
Manigo, Johnathan J.
Marboe, Richard C.
Markewitz, Martin A.
Marks, Michael J.
Markunas, Dennis J.
Marrow, Bruce E.
Martin, Michael
Martinez, Javier F.
Martinez, Paul R.
Martini, Robert E.
Martino, Patricia A.
Mason, Bradley
Mason, Cynthia M.
Massa, William R.
Masterson, Richard K.
Matich, Nicholas T., III
Matlow, Jaron B.
Mattes, Victor R.
Matthews, Barry G.
Mau, Robert J.
Maxwell, Richard L.
May, James J.
Mayer, Jeffery M.
Mazelsky, Jonathan J.
Mazza, Ralph C.
McAllister, Raymond J.
McAvoy, John W.
McBrearty, John J.
McBroom, Joel S.
McBryant, John C., Jr.
McCarthy, Laura J.
McCarthy, Michael F.
McCathern, William W.
McClave, Patrick D.
McCollom, Kyle L.
McConnell, Theresa A.
McCracken, Teresa L.
McCrary, James K.
McCreight, Michael S.
McCullough, Jeffrey R.
McDermott, Elysa J.
McDermott, Michael R.
McDonald, Kevin W.
McDonnell, Michael S.
McGarry, John D.
McGhee, Deborah A.
McGinnis, Edward K.
McGrath, John F.
McGuckin, Sean A.
McGuinn, Phillip B.
McHale, Peter
McKenzie, Garrett J.
McKewen, Bonnie G.
- McKinney, William E.
McLaughlin, James J.
McLean, David S.
McMahon, Michael J.
McManus, Dennis A.
McNulty, Rock E.
McPeck, Roger M.
McShea, Peter J.
McSheery, Tracy D.
McVey, Mark A.
Meiser, Ford D.
Melin, Peter B.
Melton, William G.
Mercer, Stephen T.
Michaels, William N.
Mickelson, James J.
Miller, Brad C.
Miller, Bryan J.
Miller, Douglas P.
Miller, William
Milowic, Christopher Y.
Minnick, Michael E.
Mitchell, Ellen C.
Mitchell, John S.
Mobilia, Ross F.
Mock, Frederick C.
Moebius, William F.
Moertl, Harald A.
Monaghan, Mark E.
Monos, Dean G.
Montgomery, Kenneth W.
Mooney, James B.
Moore, Daniel E.
Moreland, Mark A.
Morgan, Michelle A.
Morgan, William
Morowski, Peter J.
Morrison, Donald M.
Morrison, Robert B.
Morrisssey, Desmond
Morro, Robert H.
Morsch, Jeffrey J.
Morton, Ulysses L.
Morua, Michael L.
Moseley, Tim G.
Mosher, John M.
Mosley, Kenneth D.
Moyer, William J., Jr.
Moynihan, Patrick J.
Mueller, Harold E.
Mueller, Stephen T.
Mule, Paul, III
Mulkin, Richard S.
Mullan, Martin W.
Mullen, Jeffrey A.
Mulloy, Stephen P.
Murdock, Gary L.
Murphy, James C.
Murphy, John F.
Murphy, Patrick J.
Murphy, Robert F.
Murray, William G.
Musteller, Roy H.
Myers, Brian D.
Myran, Jon K.
Nadeau, Stephen E.
Naackel, Arno T.
Nash, Francine B.
Nagle, Kenneth A.
Needham, David J.
Neely, Jeffrey C.
Nelson, Edward J.
Nelson, Percy M.
Nelson, Richard A.
Nelson, Todd L.
Nerino, Alfred R.
Neve, Douglas A.
Neve, Laurence J.
Newlin, Marcia M.
Newport, Bruce A.

- Ney, Mark D.
 Nichols, Jamon M.
 Nichols, William C.
 Nickens, Patrick D.
 Nicoli, Kathryn L.
 Nivison, William
 Nixon, Timothy D.
 Noonan, Patrick D.
 Nordstrom, Neal C.
 Norris, Paul D.
 Novack, James H.
 Nuss, Gary M.
 Nuttall, Frederick L.
 Nuzzaco, Jeffrey T.
 O'Sullivan, John P.
 Oberza, Edmar Y.
 Obenholzer, Vincent J.
 Oblenes, Scott T.
 O'Connell, Joseph M.
 Oddersto, Eric S.
 Officer, Lyn R.
 O'Hara, Carolyn J.
 Olaes, Eric S.
 Olson, Allen S.
 O'Mera, Francis X.
 Orawczyk, Maria E.
 Oregan, Gerard
 Oshirak, Alan
 Ossman, William J.
 Osterhout, Karol E.
 Osterman, Joseph L.
 Ostmann, Kenneth G.
 Oukrop, Kenneth J.
 Owen, Donald F.
 Owens, Vickie L.
 Pace, Charles C.
 Pachankis, Richard W.
 Painter William C.
 Palanzuela, Paul F.
 Palmer, Brian D.
 Palmer, Jon C.
 Parker, Douglas F.
 Parlier, Terry L.
 Parlin, Joseph D.
 Parrish, Darrell B.
 Paskvan, Joseph K.
 Patterson, Shawn R.
 Paul, Michael S.
 Paulmann, Russell D.
 Pauloski, Thomas J.
 Pearl, Daniel R.
 Pearson, William C.
 Peck, John A.
 Pedro, Elizabeth Y.
 Pegg, David N.
 Pensak, Christopher J.
 Perkins, George W.
 Perry, Noel C.
 Petrie, William S.
 Pfederer, Raymond F.
 Phillips, William G.
 Pickerall, Brian M.
 Pierson, Gregory J.
 Pinckney, Michael E.
 Pippins, Martin L.
 Plude, John R.
 Portnoy, Richard R.
 Post, Michael V.
 Postera, Richard J.
 Poulter, Thomas A.
 Powe, Carl M.
 Powell, Ross C.
 Powers, Jeffrey T.
 Powers, William J., Jr.
 Pressey, Tim E.
 Pride, Marionette D.
 Pritchett, David F.
 Proudfoot, Christopher
- Purdy, Joan T.
 Quarterman, John W.
 Rabinovitz, Michael
 Rafferty, Paul J.
 Rand, Wayne H.
 Randazzo, Marco S.
 Ranum, James T.
 Ranzau, Richard H.
 Ratliff, Daniel M.
 Rau, Ronald C.
 Rebholz, Joel L.
 Reddick, Charles A.
 Reese, John E.
 Reeve, Charles K.
 Regan, Mark J.
 Reiff, Gregory S.
 Reiling, Christopher D.
 Rein, Scott D.
 Reina, Gerard J.
 Reisch, Richard A.
 Reisenfeld, Jeffrey
 Ren, Stephen J.
 Renaud, Thomas M.
 Reneau, Barry W.
 Rich, Markham K.
 Richard, Mark R.
 Richards, Jeffrey H.
 Richards, Ricky V.
 Richards, Robert J.
 Richardson, Diana
 Richardson, John G.
 Richardson, Samuel B.
 Righi, Dino W.
 Riley, Timothy G.
 Rimkus, Andrew J.
 Risinger, Jeffrey C.
 Ritenour, John E.
 Rizzi, John A.
 Roberts, Fred
 Roberts, Lawrence J.
 Roberts, Russell W.
 Robins, Derek A.
 Robinson, Fredrick P.
 Robinson, Harry M.
 Robinson, John R.
 Robinson, Robert C.
 Robinson, Scott A.
 Robinson, Scott E.
 Robson, Alan J.
 Rockwell, Mark E.
 Rodenbeck, Neil H.
 Rodgers, Philip D.
 Rogers, Michael A.
 Rolaf, Eric L.
 Rollinger, Martin G.
 Ronald, Meachle A.
 Ronan, Christopher J.
 Rooney, John J.
 Rosato, Michael R.
 Rose, James W.
 Ross, John R.
 Ross, Warren R.
 Rothwall, Vincent E.
 Rousseau, Stephen H.
 Rowe, Donald E.
 Rozier, Elena
 Rozul, Alex V.
 Rucinski, Fred C.
 Ruehlin, Richard J.
 Rule, Randol D.
 Rusk, Richard R.
 Rutherford, Gordon B.
 Rutland, Kirk A.
 Ryan, Bernard T.
 Ryan, Michael D.
 Ryans, Dwayne L.
 Sadler, John C.
 Sadorf, Kurt R.
- Sage, Scott E.
 Salm, David R.
 Salmons, James D.
 Salvino, George N.
 Sampsel, Kirby L.
 Sanders, Robert D.
 Sandlin, Mark J.
 Sanfratello, Michael G.
 Santora, Frank
 Sarbou, Gregory P.
 Sawanobori, Thomas K.
 Scanlan, Steven R.
 Scarski, Kevin L.
 Scavone, Michael D.
 Schaefer, Craig W.
 Scheidegger, Michael F.
 Scheller, Ronnie J.
 Schiele, Charles C.
 Schifani, Joseph G.
 Schleicher, Joel A.
 Schmidt, Eric J.
 Schmidt, Timothy E.
 Schneider, Mark K.
 Schouten, Dennis M.
 Schrenk, Jeffery L.
 Schroeder, Douglas S.
 Schubert, Dean M.
 Schubert, Ronald P.
 Schwartz, James S.
 Schwartz, Karen E.
 Seaton, James B., III
 Seeley, Larry F.
 Seerden, James A.
 Segal, Mark B.
 Seita, Gregory J.
 Seitz, Stephen G.
 Selby, Vernice B.
 Sellers, James K.
 Semple, Norah A.
 Serrano, Denise A.
 Severin, Frederick M.
 Shadwell, Damian E.
 Shanle, Leland C.
 Shannon, Laron D.
 Shannon, Thomas K.
 Sharp, Kevin F.
 Sharp, Louis J.
 Shea, Michael G.
 Sheall, Ivan L.
 Shelton, Lloyd O.
 Shen, Abbie J.
 Sherbak, Michael J.
 Sherman, Kevin B.
 Sherrod, Barry H.
 Shifflette, Mark J.
 Shogren, Charles E.
 Shue, Jeffrey P.
 Sigman, Mack A.
 Silver, Ann C.
 Simek, Paul R.
 Simpson, Steven S.
 Singer, Karl W.
 Skafidas, Christopher
 Skardon, Taylor W.
 Skinner, Albert W.
 Slagle, William H.
 Slivka, Pamela A.
 Sliwa, David J.
 Smellow, Joseph A.
 Smith, Clayton R.
 Smith, David D.
 Smith, Douglas W.
 Smith, Douglas E.
 Smith, Gerald L.
 Smith, Irene M.
 Smith, Jeffrey R.
 Smith, Judy G.
 Smith, Neil S.
 Smith, Robert E.
- Smith, Rodger M.
 Smith, Johnnie, III
 Smith, Kenneth E., Jr.
 Snider, Stephen D.
 Snider, Steven J.
 Snyder, Brian P.
 Snyder, Murray R.
 Snyder, Scott A.
 Snyder, Timothy R.
 Sohl, James D.
 Soltis, John T.
 Solum, Janice M.
 Sommerfield, Mark R.
 Sorensen, Eric H.
 Soriano, James C.
 Spangler, Steven R.
 Spears, Joseph M.
 Speer, David W.
 Spencer, Albert E.
 Sperbeck, James D.
 Spikes, Arnetta
 Spitz, Joseph D.
 Spitznagel, Christina F.
 Sproule, Stuart M.
 St. Clair, Albert L.
 Stadnik, Andrew G.
 Stanberry, Thomas W.
 Stanczak, Dennis C.
 Steele, Glen D.
 Steenson, Wayne R.
 Stegeman, Brian R.
 Stein, David P.
 Stein, James C.
 Steinbach, Stanley S.
 Sterling, John C.
 Stevens, Curtis R.
 Stevenson, Keith C.
 Stewart, Kevin D.
 St. Germain, Richard E.
 Stokes, Kirby A.
 Stone, Jennifer
 Stouffer, Bruce B.
 Stover, Terrance L.
 Stowe, Michael L.
 Strachan, Jeffrey D.
 Strickland, Mark R.
 Stroh, Joseph C.
 Studds, Gregory A.
 Stuebe, John A.
 Suarez, Jose J.
 Sullivan, Craig L.
 Sullivan, James R.
 Sullivan, Linda D.
 Sullivan, Michael T.
 Sullivan, Patrick B.
 Sullivan, Sean T.
 Suttle, Perry M.
 Swartz, Peter B.
 Sweeney, James J.
 Sweeney, James P.
 Sweeney, Michael J.
 Swenson, David W.
 Swoboda, David M.
 Tabenken, Lee M.
 Taborsky, Lawrence E.
 Taggart, Christopher S.
 Tarabochia, Lydia M.
 Taylor, Chester A.
 Taylor, David C.
 Terhorst, Philip M.
 Terry, Kelly S.
 Tharp, John J.
 Thayer, George D.
 Thomas, Delbert D.
 Thomas, Joseph G.
 Thomas, Mark C.
 Thomas, Scott A.
- Thomas, Scott E.
 Thomas, William E.
 Thomas, William R.
 Thompson, David C.
 Thompson, William H.
 Thorsen, Timothy J.
 Thrasher, James R.
 Thrower, Thomas R.
 Tinker, Frank J.
 Tittle, Matthew D.
 Tompkins, Bruce A.
 Toole, Shawn A.
 Townley, Richard W.
 Townsend, Charles D.
 Townsend, Schuyler J.
 Traaen, Thomas C.
 Tracey, Douglas A.
 Treadwell, Mark B.
 Trombetta, Christopher J.
 Trumpoldt, David W.
 Tucker, Brian J.
 Tucker, Timothy T.
 Tullai, Jason S.
 Turner, Andrea
 Turnley, Andrew J.
 Tutt, Valerie L.
 Tyminski, William B.
 Uphoff, Kurt T.
 Urbanek, Richard A.
 Urzi, Russell E.
 Utz, Michael J.
 Valentine, Michael
 VanBuer, Michael G.
 VanCleve, David S.
 Vaughner, George
 Vavoso, Thomas G.
 Vendrasco, Robert A.
 Vergara, Isaac S.
 Verrochi, Mark
 Viloudaki, William S.
 Vitali, Henry R.
 Volkert, Richard E.
 Waddell, Theodore J.
 Wade, James P.
 Waine, Seth A.
 Wait, Marcus P.
 Walden, Robert P.
 Walker, Stephen B.
 Walker, William B.
 Wallace, Kurt A.
 Walters, Tony L.
 Walton, Gordon T.
 Waring, Gary K.
 Warren, Dwayne C.
 Warriner, Victor G.
 Was, Joseph E.
 Washington, Barbara D.
 Wasiak, Joseph M.
 Waugh, Max J.
 Weatherby, Gerald C.
 Weed, Daniel L.
 Wegmann, David G.
- Wells, David C.
 Welsh, Mark S.
 Wenner, David A.
 Wereszczynski, James M.
 West, Lloyd D.
 Westropp, Christopher
 Wheeler, Charles L.
 White, David D.
 White, Deborah L.
 White, Peter S.
 White, Richard S., IV
 Whitman, Gary D.
 Whittaker, Scott E.
 Willard, Thomas J.
 Willey, Dale F.
 Williams, Dudley C.
 Williams, John D.
 Williams, Michael D.
 Williams, Michael C.
 Williams, Richard R.
 Willstatter, Kurt
 Wilson, David S.
 Wilson, James A.
 Wilson, Mark C.
 Wimberly, Branson L.
 Winfield, D'Juannia D.
 Winn, Michael C.
 Witek, Kyle M.
 Witt, Linda S.
 Wojt, Jerry J.
 Wolf, Suzanne M.
 Woltman, Clyde M.
 Wood, Christopher M.
 Wood, Mark S.
 Wright, Vincent T.
 Wyant, Marvin, Jr.
 Wyka, Theodore A., Jr.
 Wyly, Robert P.
 Yackle, Timothy R.
 Yaple, Steven A.
 Yarbrough, Jerry L.
 Yee, John J.
 Yetka, Brian C.
 Yodzis, Joseph B.
 Young, Eddie D.
 Young, Jack W.
 Young, Jeffrey A.
 Young, Patrick W.
 Zabarsky, David M.
 Zaccone, Michael
 Zatt, David K.
 Zavala, David C.
 Zeleznik, Brian A.
 Ziegler, Ralph C.
 Zietz, Carl E.
 Zimmerman, David O.
 Zini, Stephen E.
 Zolkowski, John A.
 Zotto, Clement J.
 Zrioka, Joseph A.

Linda J. DeLoach, U.S. Naval Reserve Officer, to be appointed a permanent lieutenant in the Medical Corps of the U.S. Navy, subject to qualification therefor as provided by law.

The following named Navy enlisted candidates to be appointed permanent chief warrant officer, W-2, in the U.S. Navy, subject to qualification therefor as provided by law: Clarence R. Evans

Joseph C. Visco

Harold J. Alfert, medical college graduate, to be appointed a permanent commander in the Medical Corps in the Reserve of the

U.S. Navy, subject to qualification therefor as provided by law.

The following named U.S. Navy officers to be appointed permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law:

William J. Lewis
Robert P. Randolph

WITHDRAWAL

The nomination of F. Keith Adkinson, of West Virginia, to be a Federal Trade Commissioner for the unexpired term of 7 years from September 26, 1975, vice Robert Pitofsky, resigned, which was sent to the Senate on February 8, 1982.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 29, 1982:

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

James L. George, of Maryland, to be an Assistant Director of the United States Arms Control and Disarmament Agency.

DEPARTMENT OF STATE

Herman W. Nickel, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of South Africa.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

IN THE MARINE CORPS

The following named colonel of the Marine Corps Reserve for promotion to the grade of brigadier general, pursuant to title 10, United States Code, section 5902 and 5912, subject to qualification therefor as provided by law:
Charles S. Bishop, Jr.

SMALL BUSINESS ADMINISTRATION

James C. Sanders, of California, to be Administrator of the Small Business Administration.

IN THE NAVY

The following named rear admirals of the Reserve of the U.S. Navy for permanent promotion to the grade of rear admiral in the line and staff corps, as indicated, pursuant to the provisions of title 10, United States Code, section 5912:

LINE

Lemuel Owings Warfield
Russell William Gorman
Joseph Francis Callo, Jr.
Raymond Roger Couture
James Burnett Reap
John Rodney Grubb
LeRoy Vincent Isaacson
Vincent Joseph Anzillotti, Jr.
Francis Neale Smith
George Clark Sayer

MEDICAL CORPS

John Francis Kurtzke
John Peter Connelly

SUPPLY CORPS

Thomas Gerald Lilly
Delbert Harry Beumer

CHAPLIN CORPS

Emmett Owen Floyd

CIVIL ENGINEER CORPS

Thomas Smothers Maddock

DENTAL CORPS

William Harris Molle

IN THE ARMY

Army nominations beginning Gene P. Abel, to be colonel, and ending Harold D. Thompson, to be colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 4, 1982.

Army nominations beginning David L. Edwards, to be lieutenant colonel, and ending Stephen A. Spaulding, to be first lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 4, 1982.

Army nominations beginning Jerry W. Adcock, to be lieutenant colonel, and ending Michael T. Baksic, to be captain, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 4, 1982.

Army nominations beginning Jeffrey F. Addicott, to be captain, and ending Daniel V. Wright, to be captain, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 17, 1982.

IN THE MARINE CORPS

Marine Corps nominations beginning Kenneth W. Montgomery, to be second lieutenant, and ending Stanley S. Steinbach, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 4, 1982.

Marine Corps nominations beginning Emily L. Baker, to be second lieutenant, and ending Derle G. Hagwood, Jr., to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 17, 1982.

Marine Corps nominations beginning Louis P. Abraham, to be second lieutenant, and ending Robert J. Cox, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 17, 1982.

IN THE NAVY

Navy nominations beginning Timothy S. Farwell, to be ensign, and ending Don Sherman, to be commander, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 1, 1982.

Navy nominations beginning Sidney Martin Blair, to be captain, and ending Jacquelyn Sue Wills, to be captain, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 11, 1982.

Navy nominations beginning William Charles Abbruzzese, to be lieutenant, and ending Samuel Sidney Williams, to be lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 11, 1982.